

Prepared for
Mirvac Projects Pty Ltd

Prepared by
Ramboll Australia Pty Ltd

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318001755-002

INDEPENDENT ENVIRONMENTAL AUDIT 2

SSD 38881729, HARBOURSIDE BULK EXCAVATION WORKS, DARLING HARBOUR

INDEPENDENT ENVIRONMENTAL AUDIT 2 SSD 38881729, HARBOURSIDE BULK EXCAVATION WORKS

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Date **28 March 2024**
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Harbourside Bulk Excavation Works**
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F1	28/03/24	Final Independent Audit Report issued for submission to the Department

This document is issued to Mirvac Projects Pty Ltd for the purposes of an Independent Environmental Audit of Stage 2 of the development at Harbourside Shopping Centre, Darling Harbour. It should not be used for any other purpose.

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GLOSSARY

AQMP	Air Quality Management Plan
ARDEM	Archaeological Research Design and Excavation Methodology
ARI	Average Recurrence Interval
ASSMP	Acid Sulfate Soil Management Plan
CC	Construction Certificate
CCS	Community Communication Strategy
CIP	Community Involvement Plan
CEMP	Construction Environmental Management Plan
CNVMP	Construction Noise and Vibration Management Plan
CoS	City of Sydney Council
CPTMP	Construction Pedestrian and Traffic Management Plan
CSWMP	Construction Soil and Water Management Sub-Plan
DMP	Dewatering Management Plan
DPE	NSW Department of Planning & Environment (now DPHI)
DPHI	NSW Department of Planning, Housing and Infrastructure
DPiE	NSW Department of Planning, Industry & Environment (now DPHI)
Delta Group	Delta Group Pty Ltd
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EMS	Environmental Management System
EPA	NSW Environment Protection Authority
ESCD	Erosion and Sedimentation Control Details
ESCP	Erosion and Sedimentation Control Plan
GWMP	Groundwater Monitoring Plan
IAA	Interim Audit Advice
IAPAR	Independent Audit Post Approval Requirements
ICC	International Convention Centre
IEA	Independent Environmental Audit
MOD	Modification
NC	Non-compliance
NSW	New South Wales
OFI	Opportunity for Improvement
OSTMP	Ongoing Site Treatment Management Plan
PDDR	Pre-Demolition Dilapidation Report
PNSW	Placemaking NSW
PMNSW	Place Management NSW
POEO	Protection of the Environment Operations
RAP	Remedial Action Plan
RAR	Response to Audit Recommendations
SMP	Safety Management Plan
SSD	State Significant Development
TfNSW	Transport for NSW
TMC	Transport Management Centre
UFP	Unexpected Finds Protocol
WHSMP	Work Health Safety Management Plan

1. EXECUTIVE SUMMARY

Mirvac Projects Pty Ltd (Mirvac) engaged Ramboll Australia Pty Ltd (Ramboll) to conduct a second Independent Environmental Audit (2nd IEA or 'this Audit') of the Harbourside Bulk Excavation Works, which is the second stage of the redevelopment of Harbourside Shopping Centre.

Stage 2 of the redevelopment was approved by the Minister for Planning and Public Spaces under delegation as State Significant Development 38881729 (SSD 38881729) dated 2 March 2023. The Applicant for the purpose of SSD 38881729 is Mirvac Projects Pty Ltd. The 2nd IEA, which is the subject of this report, is required under Schedule 3, Conditions E51 to E56 of SSD 38881729.

The redevelopment of the Harbourside Shopping Centre is being carried out under several Development Consents. SSD 38881729 is the Development Consent for the Stage 2 works of the redevelopment which includes ground floor slab demolition, bulk excavation works and construction of retaining structures to facilitate the redevelopment of the Harbourside Shopping Centre and subject to this initial audit. Subsequent development consents will be issued for additional stages in the redevelopment including construction of the Shopping centre and will be subject to separate independent audits.

This Audit is the 2nd IEA for this development. During the first IEA (1st IEA), conducted in July 2023, Stage 2 slab demolition and piling works for retaining structures were underway, having commenced on 2 June 2023. The Auditors understand that the Principal Contractor for Stage 2 of the development is Delta Group Pty Ltd (Delta Group). During this Audit Period, bulk excavation works were being undertaken.

The objective of the Audit was to independently assess the environmental performance and compliance status of the project during the Audit Period. The Audit Period is from 4 July 2023 to 23 January 2024.

The Auditors consider management of the development by Mirvac and Delta Group to be of a generally high standard in relation to site management, environmental performance and documents / records management. There were only four community complaints related to the Stage 2 works during the Audit Period, which represents a reduction from the previous audit period.

The Auditors assessed the development to be compliant with Development Consent SSD 38881729 except for seven (7) non-compliances (NCs). Six recommendations have been made in relation to the non-compliances.

NC#	Condition ID	Non-compliance	Recommendation
NC1	B2	The evidence of engaging the Site Auditor was not submitted to the Department until after the earthworks commenced.	No recommendation is made.
NC2	D3	The following documents were not publicly available: (a)(i) Documents referred to in Condition A3(c), specifically the "EIS, Rts and any RRFI" were not available. This was subsequently rectified with a link to the Department's Major Project's Webpage for the project, which contains the EIS, Rts and any RRFI. (a)(iii) All approved strategies, plans and programs, that are not included in the CEMP (i.e. CEMP Rev L, 28/08/23), were not available, including but not limited to, the Community Communication Strategy (CCS), RAP, Site Security Management Plan (SSMP), Acid Sulfate Soil Management Plan (ASSMP) and Dewatering Management Plan (DMP), including a Groundwater Monitoring Plan (GWMP). Following factual review, Mirvac provided a different and later version of the CEMP, being CEMP Rev E, 13/12/23, that included the majority of approved strategies, plans and	Update the Harbourside Community Website to include CEMP Rev E, 13/12/23, the Community Communication Strategy and Dewatering Management Plan, including a Groundwater Monitoring Plan, and a more complete comprehensive summary of the monitoring results. Implement a procedure (e.g. a checklist for monthly review) to ensure all required documentation is uploaded to the website and kept up to date.

NC#	Condition ID	Non-compliance	Recommendation
		<p>programs required under the conditions of this consent except for the CCS and DMP/GWMP.</p> <p>(a)(v) Monitoring data (or a comprehensive summary of the monitoring results) was not available for the Audit Period including noise monitoring data, dewatering quality monitoring and vibration monitoring data (since 04/09/23).</p> <p>(a)(vii) A complaints register for July 2023 was not available but the complaints register for June 2023 was duplicated. This was subsequently rectified.</p> <p>(a)(ix) Mirvac's RAR for the 1st IEA was not available. This was subsequently rectified.</p> <p>The CEMP had not been kept up to date.</p>	
NC3	D18	Demolition of the ground floor slab was undertaken by Delta Group during this Audit Period. No evidence has been provided that a demolition work plan prepared by Delta Group and an accompanying statement of compliance with AS 2601-2001 were submitted to the Certifier in accordance with Condition D18 requirements prior to commencement of the ground floor slab demolition.	In the event that further demolition work is required, ensure that a work plan and statement of compliance are prepared and submitted to the Certifier in accordance with Condition D18.
NC4	E15	The Auditors acknowledge that noise levels have reduced during this Audit Period and were generally below the HNAML during construction hours. However, due to the wording of this condition, Condition E15 remained non-compliant because noise levels exceeded the CNVMP specified noise management levels, including the HNAML, during daytime construction hours.	Endeavour to reduce noise levels below the approved noise limits. Consider reviewing Condition E15 requirements in consultation with the Department if the noise limits are considered unachievable.
NC5	E27	No documentation has been provided to show that the waste classifications and the volume of material removed from or imported to the site has been provided to the satisfaction of the Certifier while the building work is being carried out in accordance with Condition E27(b).	Review and revise the Material Tracking Register to include imported material. Ensure that the waste classifications and tracking of volume of materials removed from or imported to the site are progressively reported to the Certifier while building work is being conducted.
NC6	E31	Rainwater, seepage and/or groundwater collected on the site is pumped to an on-site dewatering treatment plant before it is discharged to a street stormwater drain in the vicinity of the Darling Drive roundabout. PMNSW has granted permission to discharge the treated groundwater to the existing PMNSW stormwater assets in accordance with the DMP. However, Mirvac has not sought separate EPA approval in writing prior to discharging seepage or rainwater collected on-site during construction or groundwater to the street stormwater system.	Seek the EPA's written approval to discharge seepage or rainwater collected on-site during construction or groundwater to the street stormwater system or confirm in writing from the EPA that EPA approval is not required.
NC7	E54	Mirvac prepared a RAR that was submitted to DPE with the Independent Audit Report on 08/09/23. The Independent Audit Report was made publicly available on the Harbourside Community Website but the RAR was not made available within 60 days of its submission to the Department.	Implement a process to ensure that both the Independent Audit Report and the RAR are made publicly available at the same time.

Recommendations have been made in relation to fifteen opportunities for improvement as follows:

Condition ID	Opportunity for Improvement	Recommendation
A20	The Delta Group Site Induction does not specifically refer to the Consent Conditions or SSD 38881729 but is otherwise fairly comprehensive and covers a number of consent condition requirements.	Consider improving the site induction to include reference to the Development Consent (SSD 38881729).
B1	Delta Group's Safety Management Plan (SMP) does not explicitly identify the potential hazards arising from the site remediation works and their controls, aside from asbestos. The SMP did not consider the other Chemicals of Potential	Review and revise the Safety Management Plan or prepare a separate Work Health Safety Management Plan to identify potential hazards arising

Condition ID	Opportunity for Improvement	Recommendation
	<p>Concern identified in the RAP, being Heavy Metals, Phenols, Total Recoverable Hydrocarbons (TRH), Volatile Organic Compounds (VOCs) and Polycyclic Aromatic Hydrocarbons (PAHs), which could present a hazard to the remediation workers. The SMP does not refer to the RAP requirement to conduct perimeter asbestos in air monitoring during asbestos removal works (RAP, Section 8.2.2), or to consider other hazards presented by potentially contaminated material (RAP, Section 8.2.3).</p>	<p>from the remaining site remediation works and their controls. The Safety Management Plan should meet the objectives outlined in Sections 8.2.1, 8.2.2 and 8.2.3 of the RAP.</p>
B5	<p>Although the most recent version of the RAP (28/09/22) was issued prior to determination of SSD 38881729 and therefore, is not relevant to Condition B5 requirements, the Auditors have not been provided with evidence that the 28/09/22 version of the RAP was submitted to and approved in writing by the Planning Secretary.</p>	<p>If it has not already been done, submit the 28/09/22 version of the RAP to the Planning Secretary for approval in writing.</p>
C8	<p>The Heritage Protection Strategy was not revised to include a Geotechnical Report and no evidence has been provided of HNSW/PMNSW's approval of the Geotechnical Report in the context of the Heritage Protection Strategy. The Geotechnical Report does not detail an investigation of the location and depth of footings of the adjacent buildings. The Geotechnical Report provided does not meet the intended requirements of Condition C8(c) for the purpose of ensuring that the Pyrmont Bridge and Woodward Water Feature are suitably protected and stabilised during the construction process. Instead, the Heritage Protection Strategy relies on vibration monitoring in the vicinity of Pyrmont Bridge. Protection of the Woodward Water Feature is not discussed, possibly because it is further away from the site boundary. Based on the available documentation, the Auditors are unable to verify that the Heritage Protection Strategy will adequately protect the Pyrmont Bridge and Woodward Water Feature. For this reason, the Auditors' opportunity for improvement recommendation remains.</p>	<p>Review and revise the Heritage Protection Strategy to include a Geotechnical Report that meets the requirements of Condition C8(c) or alternatively provide a statement from a Geotechnical Engineer, that the Heritage Protection Strategy and the Geotechnical Report (Douglas Partners, 06/02/23) satisfy Condition C8(c) requirements for the purpose of ensuring that the Pyrmont Bridge and Woodward Water Feature will be suitably protected and stabilised for the remainder of the construction process. Submit the revised Heritage Protection Strategy and/or Geotechnical Engineer's statement to PMNSW for approval.</p>
D8	<p>Mirvac advised that the Certifier visited the site during this Audit Period to inspect a pile/footing however, no survey plan measuring and marking the positions of all footings / foundations related to the building work has been provided to the Certifier during this Audit Period.</p> <p>Following factual review, Mirvac advised that whilst pilings had been installed as set-out by a surveyor, no footings had been completed. Mirvac will provide as-builts of all works related to foundations/footings to the Certifier once substantial work has been completed. Mirvac do not believe the certifier will require each individual element that has been set out ... to be issued to them as this will be required daily then.</p> <p>The Auditors accept that frequent surveys while building work is being carried out may not be required in accordance with Condition D8 but they should be conducted "while building work is carried out", as opposed to at completion or near completion, and as required by the Certifier.</p>	<p>Request the Certifier to advise how frequently the footings/foundations and any other marks required by the Certifier should be measured and marked by a registered surveyor while building work is conducted. Carry out the surveys in accordance with the Certifier's advice.</p>
D26	<p>CEMP Rev E, 13/12/23 does not address details of flora and fauna management.</p>	<p>Update the CEMP to include details on flora and fauna management. Note, this may entail indicating, consistent with the EIS, that the site is a "highly modified and disturbed urban environment, and [the development] would not impact on biodiversity values. The site is not considered to have habitat suitable for any threatened flora and fauna".</p>
D30	<p>Mirvac emailed a direct number for the builder, Mirvac, to Transport for NSW (development.sco@transport.nsw.gov.au) on 08/09/23. However, that email is the email referred to in Condition D30 for TfNSW, not the TMC. Mirvac advised that as TfNSW runs the TMC, an email to TfNSW was sufficient. Whilst it may be true that TfNSW runs the TMC, Condition D30 appears to require that both the TMC and TfNSW be contacted. However, the Auditors acknowledge that the wording of Condition D30 could be considered ambiguous</p>	<p>Submit the builder's direct contact number to the Transport Management Centre using the email address livetraffic@tmc.transport.nsw.gov.au (an email address provided for Developers to provide feedback or enquire on the Live Traffic NSW data files) or by mailing it to PO Box 1625, Strawberry Hills 2012.</p>

Condition ID	Opportunity for Improvement	Recommendation
	and interpreted to mean that the specified email address may cover both the TMC and TfNSW. On this basis, the Auditors consider Condition D30 to be compliant but make an opportunity for improvement recommendation.	
D38	<p>CEMP Rev E, 13/12/23, Appendix D contains updated ESCP and ESCD drawings, as well as an 'Erosion and Sediment Control Design Certificate' by at&l. The updated ESCP does not indicate overland flow paths although it refers to "overland flow paths as defined by the Stantec Flood Report", which has not been provided to the Auditors. Overland flow paths are not discussed elsewhere in CEMP Rev E, 13/12/23. The south-eastern part of the site is lower than the western part of the site and there are no sediment retention basins to capture and retain stormwater aside from the basement excavation, the top of which is higher than the eastern boundary. The ESCP shows that clean water is diverted around the basement excavation in an easterly direction but it does not show where the stormwater is directed to, other than towards the eastern hoarding. It appears that the site relies on the hoarding and its sediment controls to prevent discharges of sediment. The ESCP indicates that "site hoarding is to be certified by structural engineer to be able to withstand flood events up to and including the PMF event". Not all of the stormwater drains are clearly shown (e.g. gutter drain near the truck wheel wash). The 'Stormwater Drainage Notes' in CIV-DWG-OA-5001, General Notes and Legends, which refers to 'stormwater design criteria and ARIs, appears to relate more to the final stormwater drainage system as opposed to the stormwater drainage system during construction. The drawing legend does not indicate the meaning of the blue dashed lines, including the lines from the basement excavation (rainwater, seepage and/or groundwater from dewatering?) to the Dewatering Plant and from there to the street gutter drain near the Darling Drive roundabout. The Auditors consider that the updated ESCP / CSWMP has been improved and Condition D38 remains generally compliant but considering the potential for sediment release along the eastern hoarding during a wet weather event, further improvements are recommended to ensure that the CSWMP can be more effective during future wet weather events. Also refer to Condition E26 findings and recommendations.</p>	<p>Review and revise the CSWMP / ESCP so that stormwater drainage is managed and retained within the site boundaries during the construction, including during wet weather events. The CSWMP / ESCP is required to describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.</p>
E1	The CEMP sighted during the site inspection was CEMP Rev L, 28/08/23, and not the later CEMP Rev E, 13/12/23, at least in hardcopy, on the site.	Ensure that the latest version of the CEMP is kept on the site and remove superseded CEMP versions to prevent confusion or misunderstanding.
E9	A review of the noise monitoring reports provided indicates that five out of the seven occasions when the 'Highly Noise Affected Management Level' (HNAML) was exceeded occurred during the hours specified in Condition E9 for high noise impact work. However, on the 29/11/23 and 30/11/23, noise levels of ~78-79 dB(A) were recorded at about 6pm and 1pm, respectively. The source of the elevated noise levels at those times is not indicated in the noise monitoring report (Acoustic Logic, Harbourside, Noise Monitoring Report 21 – Murray Street Residents, 11/12/23).	Review records to assess the work activities conducted at the times of the HNAML exceedances on 29-30/11/23. Consider how the HNAML exceedances at those times could have been avoided and/or mitigated to prevent a re-occurrence of HNAML exceedances outside the Condition E9 timeframes.
E16	No vibration monitoring reports were provided or made publicly available since 04/09/23.	Continue to monitor vibration levels, unless appropriate justification is provided.
E26	<p>Sediment entrained water was reported as observed in Darling Harbour on 15/01/24. It appears some sediment may have escaped the barriers (i.e. sediment fencing, coir logs and hoarding) surrounding the site indicating that the barriers were not entirely effective during a wet weather event (15/01/24, 62 mm recorded at Sydney Observatory Hill). Sediment entrained water was released to a street stormwater drain near the Darling Drive roundabout on 16/01/24 when the sediment control barriers had been temporarily removed for maintenance. The stormwater pit that the truck wash drains to had geotextile fabric in the pit but no geotextile sausages to</p>	<p>Continue to maintain the sediment and erosion controls so that they prevent discharges of sediment entrained water to Darling Harbour and stormwater drains. Ensure that geotextile sausages are used to prevent sediment entering the street stormwater pits, particularly near the truck wash. Consider how the process of maintaining the sediment controls, including equipment such as water hoses used for cleaning, can be improved so that stormwater drains remain protected when the sediment</p>

Condition ID	Opportunity for Improvement	Recommendation
	prevent sediment entering the pit in accordance with the Erosion and Sediment Control Details drawing.	fencing and coir logs are temporarily removed.
E32	Mirvac has obtained PMNSW approval in writing "to discharge treated groundwater to the existing PMNSW Stormwater assets in accordance with the dewatering management plan". Although rainwater / stormwater collected in the basement excavation is mixed with seepage/groundwater and treated in the dewatering treatment plant before discharge to the street stormwater system, the PMNSW LOC only permits the discharge of groundwater and does not mention or permit the discharge of stormwater to their stormwater assets. The Auditors understand that PMNSW conduct approximately monthly site inspections and would most likely be aware that the treated groundwater includes collected stormwater.	Seek PMNSW's written approval to discharge site stormwater to the PMNSW stormwater assets as the current approval refers only groundwater.
E49	Evidence has not been provided to show that the asbestos contaminated soil was transported to the Genesis Landfill using the EPA's WasteLocate system, since replaced by the Integrated Waste Tracking Solution (IWTS), or that the Genesis Landfill was authorised to accept it, in accordance with the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> . The Auditors understand that the Genesis Landfill is now the Bingo Eastern Creek Landfill and it is licensed to accept asbestos waste.	Retain records to show that asbestos waste is disposed of to a facility authorised to accept it and that it is transported using the EPA's IWTS in accordance with the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> .
E50	The Auditors understand JBS&G are maintaining unexpected finds records but the Auditors have not been provided with a register of the unexpected finds and they are not referred to in Delta Group's Incident Report Register.	If it hasn't already been done, prepare and implement a register for unexpected finds which includes the associated documentation required for unexpected finds including, but not limited to, inspection reports, clearance certificates, air monitoring records, transport records and waste disposal documentation.

2. INTRODUCTION

2.1 Background

Mirvac Projects Pty Ltd (Mirvac) engaged Ramboll Australia Pty Ltd (Ramboll) to conduct a second Independent Environmental Audit (2nd IEA) of the Harbourside Shopping Centre, Darling Harbour project, which is the second stage (Stage 2 bulk excavation) of the redevelopment of Harbourside Shopping Centre.

Stage 2 of the redevelopment was approved by the Minister for Planning and Public Spaces under delegation as State Significant Development 38881729 (SSD 38881729) dated 2 March 2023. The Applicant for the purpose of SSD 38881729 is Mirvac Projects Pty Ltd. The IEA, which is the subject of this report, is required under Schedule 3, Conditions E51 to E56 of SSD 38881729.

Under Schedule 2 of SSD 38881729, the Development Consent Conditions are divided into six parts as follows:

- Part A Administrative Conditions
- Part B Remediation Works
- Part C Prior to the Issue of a Construction Certificate
- Part D Prior to the Commencement of Works
- Part E During Works
- Part F Post Excavation and Construction

The redevelopment of the Harbourside Shopping Centre is split between several Development Consents. SSD 38881729 is for the Stage 2 works of the redevelopment which includes slab demolition, bulk excavation works and construction of retaining structures to facilitate the redevelopment of the Harbourside Shopping Centre and is the subject of this initial audit (this Audit). Subsequent development consents will be issued for additional stages in the redevelopment including the main construction of the Harbourside Shopping Centre and will be subject to separate IEAs.

At the time of this Audit, bulk excavation works were underway as part of the second stage.

2.2 Audit Team

The Audit Team comprised Emily Rowe (Lead Auditor), Victoria Sedwick (Peer Reviewer) and Jenny Auld (Assistant Auditor) of Ramboll. The Audit Report was prepared by Jenny Auld and Emily Rowe, reviewed by Victoria Sedwick and authorised by Emily Rowe as Lead Auditor.

2.3 Audit Objectives

The objective of the Audit was to independently assess the environmental performance and compliance status of the project during the Audit Period.

2.4 Audit Scope

The scope for this Audit is taken in accordance with SSD 38881729 Conditions E51-E56 as follows:

SSD 38881729:

E51. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.

E52. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

E53. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.

E54. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under this consent;*
- (b) submit the response to the Planning Secretary; and*
- (c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.*

E55. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.

E56. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

2.5 Audit Period

This Audit is the second Audit of Stage 2 of the development. The previous audit's site visit was conducted on 3 July 2023. Therefore, the Audit Period for this Audit is from 4 July 2023 to the date of the main Audit site visit, 23 January 2024.

3. AUDIT METHODOLOGY

3.1 Selection and Endorsement of Audit Team

All of the Ramboll Auditors referred to in **Section 2.2** have training and extensive experience in conducting environmental compliance audits and are independent from Mirvac. Victoria Sedwick and Emily Rowe are certified Lead Auditors with Exemplar Global (Certificate No. 13180 and 204997, respectively). As required under the Conditions of Consent, endorsement of the Audit Team by the Department was provided in a letter dated 07/12/23 (**Appendix B**).

3.2 Independent Audit Scope Development

The scope for this Audit was developed to assess the development's environmental performance in relation to the construction conditions of SSD 38881729, which included all post approval documents prepared to satisfy the conditions relevant to the construction stage of development.

In the Department of Planning and Environment (DPE, or the Department) letter endorsing the Audit Team, DPE stated that *"The IEA reports must be prepared, undertaken and finalised in accordance with Conditions E51, E54 and E55 of the consent and the NSW Government Independent Audit Post Approval Requirements 2020 (IAPAR). Failure to meet these requirements will require revision and resubmission."*

In addition to seeking to consult the Department's on the scope of the Audit, the Auditors sought input from the NSW Environment Protection Authority (EPA), City of Sydney (CoS), Place Management NSW (PMNSW), Transport for NSW (TfNSW) and the Sydney Light Rail Operator, Transdev. The responses to develop the scope of the Audit are discussed in **Section 3.5**.

3.3 Compliance Evaluation

The following forms of evidence were gathered during the conduct of the Audit:

- Site inspection of the external perimeter the Harbourside Shopping Centre development on 16 January 2024, which included the taking of photographs;
- Site inspection of the Harbourside Shopping Centre development on 23 January 2024, being the main site inspection, which also included the taking of photographs;
- Review of documents, reports and other records including approvals, reports prepared to satisfy the conditions, site inspection checklists, site photographs, site plans and drawings, as well as correspondence with agencies including DPE, CoS, PMNSW, TfNSW, Transdev and the EPA;
- Interviews of site personnel during the site visits on 16 and 23 January 2024 (refer **Section 3.4**);
- Interviews of suitable qualified consultants including Curio on 8 February 2024 and JBS&G on 12 February 2024;
- Review of documents posted on the internet including the project website and the Department's NSW Planning Portal SSD 38881729 website.

3.4 Site Inspection and Interviews

The site visit for the previous audit (1st IEA) was conducted on 03/07/23. Therefore, the site visit for this Audit was required to be conducted by 01/01/24 in accordance with IAPAR. Given that it fell during the construction shutdown period, Mirvac sought and obtained the Department's approval on 05/12/23 to conduct the Audit at a different time in accordance with Condition E53. The Department's approval is included in Appendix E.

As noted in Section 3.3 above, two site inspections were conducted for this Audit. Mirvac scheduled the first site inspection for 16 January 2024 following the return of Mirvac and Ramboll personnel from annual leave. However, following heavy rainfall on 15 January 2024, Mirvac requested the site visit be postponed, allowing key site personnel to focus on cleaning and maintaining the site in the aftermath of the wet weather event. Mindful of the Department's

required timing for the Audit / site visit to be carried out in the week commencing 8 January 2024, the Lead Auditor requested that the site visit proceed but would be limited to an inspection of the perimeter of the site by the Lead Auditor, Emily Rowe, particularly to inspect Darling Harbour, and would be followed by the more detailed site visit a week later on 23 January 2024. The second site visit on 23 January 2024 was conducted by Emily Rowe, Lead Auditor, and Jenny Auld, Assistant Auditor.

16 January 2024

The following site personnel accompanied the Lead Auditor during part or all of the site visit:

- Jason Andrews – Mirvac (Senior Project Engineer)
- Paul Iann – Mirvac (Senior Site Manager)
- Larissa Tomlin – Mirvac (Trainee Development Manager)

A meeting was held at Delta Group's site office with the following personnel to discuss the sediment release that was observed near the Darling Drive roundabout during the site perimeter inspection:

- Jason Andrews – Mirvac (Senior Project Engineer)
- Paul Iann – Mirvac (Senior Site Manager)
- Frank George – Delta Group (Senior Project Manager)
- Zachary Paton – Delta Group (Project Manager)

23 January 2024

An Opening Meeting was held at the commencement of the site visit on 23 January 2024. The Agenda included Introductions, Audit Objective, Audit Scope, Audit Methodology, Audit Schedule, Other Matters and Development Progress During Audit Period. The following personnel were present for the Opening Meeting inspection and accompanied the Auditors during all or part of the site inspection:

- Oliver Maxwell – Mirvac (Development Manager)
- Stephen Chamberlain – Mirvac (Senior Project Manager)
- Daniel Corry – Mirvac (Project Manager)
- Jason Andrews – Mirvac (Senior Project Engineer)
- Paul Iann – Mirvac (Senior Site Manager)
- Larissa Tomlin – Mirvac (Trainee Development Manager)

The following site personnel were interviewed during the site inspection in addition to the above Mirvac personnel.

- Zachary Paton – Delta Group (Project Manager)
- Steven Lao – Delta Group (Project Engineer)
- Brendan Jolliffe – Delta Group (National QSE Manager)
- Arbab Tufail – Coates (Environmental Engineer), responsible for maintaining the Dewatering Treatment Plant, weekly inspections and as required.
- Steve Reedy – Coates (Electrician), responsible for maintaining the Dewatering Treatment Plant, daily inspections.

During the site interview, the Auditors requested interviews with the project's archaeological consultant, Curio Projects, and the project's environmental consultant, JBS&G, that would be held remotely via Microsoft Teams.

As the site inspection and review of site records took longer than scheduled, the Mirvac personnel had to leave. The Lead Auditor stayed on to review site records. It was agreed with Mirvac to hold the Closing Meeting remotely using Microsoft Teams.

The Closing Meeting was held on 25 January 2024. It was brief and discussed preliminary audit findings and recommendations and post-audit actions, particularly related to the timely provision of documentation. The following Mirvac personnel were present for the Closing Meeting:

- Oliver Maxwell – Mirvac (Development Manager)
- Stephen Chamberlain – Mirvac (Senior Project Manager)
- Jason Andrews – Mirvac (Senior Project Engineer)
- Larissa Tomlin – Mirvac (Trainee Development Manager)

The following Mirvac and Curio Projects personnel were interviewed in a Microsoft Teams meeting on 8 February 2024 to discuss Curio Project’s involvement in the archaeological investigations during the Audit Period:

- Oliver Maxwell – Mirvac (Development Manager)
- Larissa Tomlin – Mirvac (Trainee Development Manager)
- Mathew Kelly – Curio Projects (Excavation Director)

The following Mirvac and JBS&G personnel were interviewed in a Microsoft Teams meeting on 12 February 2024 to discuss JBS&G’s involvement in the construction and remediation works:

- Oliver Maxwell – Mirvac (Development Manager)
- Larissa Tomlin – Mirvac (Trainee Development Manager)
- Aaron Smith – JBS&G (Associate)
- Daniel Saeed – JBS&G (Project Consultant)

3.5 Consultation

The Auditors undertook consultation in accordance with the IAPAR and the following authorities were consulted as shown in Table 1. The responses received are provided in **Appendix E**.

Table 1: Consultation with Authorities

Authority	Contact Details	Comment
DPE (now DPHI)	DPE Planning Portal compliance@planning.nsw.gov.au	Letter requesting consultation emailed to DPE on 16/11/23.
	Samual Condon, Senior Compliance Officer, samuel.condon@planning.nsw.gov.au	Email received from DPE on 16/11/23, followed by a letter endorsing the Audit Team on 07/12/23. The letter of endorsement includes requirements for the IEA reports that are taken to comprise the response to consultation. No further communication was received in relation to the scope of the Audit. Refer to Table 2 for DPE comments and the Auditors response.
EPA	info@epa.nsw.gov.au	Letter requesting consultation emailed to the EPA’s Environment Line on 16/11/23. Email and letter received from the EPA on 27/11/23. Refer to Table 3 for EPA comments and the Auditors response.

Authority	Contact Details	Comment
City of Sydney	Mia Music, Senior Planner mmusic@cityofsydney.nsw.gov.au	Letter requesting consultation email to Mia Music on 16/11/23 Email received from DPE on 15/08/23. Refer to Table 4 for CoS comments and the Auditors' response.
Placemaking NSW / Place Management NSW	Antonio Goncalves, Senior Manager, Leasing and Place Management, Placemaking NSW Antonio.goncalves@property.nsw.gov.au	Letter requesting consultation email to Antonio Goncalves on 16/11/23. No response was received from PMNSW.
Transdev	Tim Walton tim.walton@transdev.com.au	Letter requesting consultation email to Tim Walton on 16/11/23. No response was received from Transdev.
Transport for NSW	Bilal Zreika bilal.m.zreika@transport.nsw.gov.au	Letter requesting consultation email to Bilal Zreika on 16/11/23. No response was received from TfNSW.

Table 2: DPE Consultation

DPE Comment	Auditor Response
<i>"The IEA reports must be prepared, undertaken and finalised in accordance with Conditions E51, E54 and E55 of the consent and the IAPAR. Failure to meet these requirements will require revision and re-submission."</i>	The Auditors have endeavoured to conduct the Audit and prepare the Independent Audit Report in accordance with Conditions E51 to E55 of SSD 38881729 and the consent and the IAPAR.

Table 3: EPA Consultation

EPA Comment	Auditor Response
<p><i>"The EPA understands that the Consent has been issued and the development is now at Stage 2, being bulk excavation works. We have previously received requests for consultation on an Independent Environmental Audit (IEA) of Stage 1 of the development and a first IEA of Stage 2.</i></p> <p><i>On 15 August 2023, the EPA provided a response to your request for consultation on the first IEA for Stage 2 (EPA reference DOC23/711141-1). In this letter, we referenced our previous correspondence to DPIE (EPA reference DOC22/623042-5) and provided the following additional guidance:</i></p> <ol style="list-style-type: none"> <i>1. the proponent retains primary responsibility for the environmental performance of its project and activities carried on at the premises. The onus is on the proponent to ensure compliance with relevant Acts and associated regulations. This includes but is not limited to the Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.</i> <i>2. given the nature of the project (bulk earthworks) key environmental issues appear to include:</i> 	The Auditors have taken the EPA's response in regards to environmental performance, contaminated land management, waste assessment, classification and management, EMPs, complaint and incident handling, compliance tracking and reporting, and the outcomes of previous IEAs into consideration during the conduct of this Audit, as presented in this Independent Audit Report and the Audit Table (Appendix A) in more detail.

EPA Comment	Auditor Response
<p>a. <i>contaminated land management</i></p> <p>b. <i>waste assessment, classification, and management</i></p> <p>c. <i>prevention of water pollution</i></p> <p><i>Further information can be found on the EPA website at https://www.epa.nsw.gov.au/</i></p> <p>3. <i>Environmental Management Plans should be reviewed and updated on a regular basis. This should include consideration of complaint and incident handling, compliance tracking and reporting as well as the outcomes of any independent environmental audits.</i></p> <p><i>The EPA is not the appropriate regulatory authority in relation to the development and did not provide comment during the planning process. Additionally, the Consent does not appear to require consultation with the EPA on IEAs and any additional guidance from the EPA on bulk excavation works at the development, as previously provided, is unlikely to change.</i></p> <p><i>As such, the EPA does not consider it necessary to be consulted during any future IEAs for the development."</i></p>	

Table 4: CoS Consultation

CoS Comment	Auditor Response
<p>The CoS confirmed that "the City have so far had no major issues / complaints regarding noise or traffic construction impacts regarding the [Harbourside Shopping Centre] development."</p>	<p>The Auditors have taken Council's response into consideration.</p>

3.6 Compliance Status Descriptors

This Audit Report has been prepared in accordance with the requirements for an Independent Audit Methodology and Independent Audit Report in IAPAR 2020. As such, the following compliance status descriptors have been used:

Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that has not been met at the time when the Audit is undertaken, therefore an assessment of compliance is not relevant.

Observations have also been made that identify opportunities for improvement (OFI).

4. AUDIT FINDINGS

4.1 Approval and Document List

The following approvals and documents provided by Mirvac and/or available on the project website, were reviewed by the Auditors:

- 20230726. Import Material Dockets 08.06.2023 - 26.07.2023.pdf
- 23.12.21 N3-463 Material Tracking Register.xlsx, Material Tracking Register, Job: N3-463, 31/05/23 to 21/12/23
- Acoustic Logic, Harbourside, Noise Monitoring Reports 15 to 21 - Murray Street Residents, for the period 21/08/23 to – 30/11/23
- Acoustic Logic, Harbourside, Noise Monitoring Reports 15 to 22 - Sofitel, for the period 21/08/23 to 11/12/23
- at&l, Erosion and Sedimentation Control Details, 11/08/23
- at&l, Erosion and Sedimentation Control Details, IVDWG-OA-0402, Issue 2, 11/08/23
- at&l, Erosion and Sedimentation Control Details, IVDWG-OA-0402, Issue 2, 11/08/23
- at&l, Erosion and Sedimentation Control Plan, 11/08/23
- at&l, Erosion and Sedimentation Control Plan, CIV-DWG-OA-0401, Issue 2, 11/08/23
- at&l, Erosion and Sedimentation Control Plan, CIV-DWG-OA-0401, Issue 2, 11/08/23
- at&l, CIV-DWG-OA-5000, Cover Sheet and Drawing List, Rev. A, 29/11/23
- at&l, CIV-DWG-OA-5001, General Notes and Legends, Rev. A, 29/11/23
- at&l, CIV-DWG-OA-5401, Erosion and Sedimentation Control Plan Sheet 1, Rev. A, 29/11/23 (**ESCP Sheet 1**)
- at&l, CIV-DWG-OA-5401 A, Erosion and Sedimentation Control Plan Sheet 2, Rev. A, 29/11/23 (**ESCP Sheet 2**)
- at&l, CIV-DWG-OA-5402, Erosion and Sedimentation Control Details, Rev. A, 29/11/23 (**ESCD**)
- Certificate of Title, WAL44984, 29/01/24
- CNVMP
- Mirvac, Complaints Register | Harbourside: July 2023, August 2023, September 2023, October 2023, November 2023, December 2023 and January 2024
- CPTMP
- Curio Projects, Addendum to the Archaeological Research Design (ARD), Harbourside Shopping Centre, Darling Harbour, 04/11/22
- Curio Projects, ARDEM
- Delta Group Operator Daily Plant Inspection Records, 23/01/24
- Delta Group, Harborside Site Induction Form, undated
- Delta Group, Harborside Site Induction, undated
- Delta Group, Incident Report Register, showing incidents between 30/10/23 to 7/02/24
- Delta Group, Inspection Test Plan – Site Dewatering, with attached Water Quality Register.
- Delta Group, Plant and Equipment Register, 12/01/2024
- Delta Group, Safety Management Plan, Rev R0, 02/05/23 (**SMP**)
- Delta Group, Scheduled Maintenance Report – Plant no. 32394, 23/01/24
- Delta Group, Site Notice
- Demolition Work Plan – Harbourside Shopping Centre prepared by Hassarati, Revision C, 08/11/22 (**DWP**)
- Douglas Partners, Report on Geotechnical Investigation, Harbourside Redevelopment, 2 – 10 Darling Drive, Darling Harbour, 06/02/23
- DPE email to Mirvac, Harbourside Bulk Excavation Works - Interim Audit Advice, 15/12/23
- DPE letter to Mirvac, Harbourside Bulk Excavation Works - first Independent Environmental Audit Report (2023), 30/10/23
- DPE letter to Mirvac, Harbourside Bulk Excavation Works – First Independent Environmental Audit (2023), 30/10/23
- DPE letter to Mirvac, Harbourside Bulk Excavation Works (Stage 2) – First Independent Environmental Audit report request for extension of time for submission, 28/08/23
- DPE Letter to Mirvac, Harbourside Bulk Excavation Works –Independent Environmental Audit team re-endorsement request, 07/12/23
- DPE Water letter to Mirvac, New water access licence with zero share component, 18/09/23, with attached:
- DPE Water Letter to Mirvac, Water Supply Works Approval [10WA124897], 17/08/23, with attached:

- DPE, Notice of Decision, Water Management Act 2000, 15/09/23
- Drawing 1_1.jpg, Harbourside Hoarding Program Rev 2
- DUNQ_DGB20 SP25020_0-4000t TfNSW 3051Ed7 Class1 CatB.pdf
- Email from Mirvac to DPE, Harbourside Bulk Excavation Works SSD 38881729 | Incident Notification (Clause A.15 and A.16), 19/01/24
- Email from Mirvac to McKenzie, HS – Notice of Commencement – Items 7, 9, 10 & B8 dated 14/11/22
- Email from Mirvac to PMNSW, RE: PMNSW Pre-Demolition Dilapidation Report and Photographic Survey, 22/09/23
- Email from Mirvac to Ramboll, RE: Harbourside – Site Visit, 27/07/23
- Email from Mirvac to Transport, Harbourside SSD38881729, 08/09/23
- Emails between Mirvac and DPE, RE: Harbourside - Bulk Excavation Site Audit Visit, 05/12/23
- Emails between Mirvac and PMNSW, RE: Harbourside | Pest Control Report, 28/09/23 to 14/12/23
- Emails between Mirvac and TfNSW, cc'd to Transdev, Demolition Traffic and Pedestrian Management Plan for Review and Approval, dated between 23/05/22 and 03/06/22
- enstruct group Letter to Mirvac, Harbourside City of Sydney License for use of Dilapidation Report Photographs, 23/09/23
- Gate locked.jpg
- General Correspondence between Mirvac and McKenzie Group, SSDA1 CC2 - Condition B1 - Work Health and Safety Management Plan, 08/09/23 and 14/09/23
- Geotesta, Geotechnical Inspection of Rock Excavation, 21/12/23
- Geotesta, Geotechnical Map Records- Western Wall 1, 08/12/23
- Harbourside Contact List - Civil Stage.msg
- Harbourside Contact List Civil Stage.xlsx
- Harbourside Shutdown checklist & Emergency Contact list - Easter .msg
- Harbourside Site Shutdown checklist and Emergency Contact list - Anzac Long Weekend.msg
- Harourside final rodent report.pdf, 20/01/23
- Hassarati AD212609 Unrestricted Demolition Licence
- Hassarati Letter to Mirvac, Re: Harbourside – Demolition Statement dated 03/11/22
- <https://harbourside.mirvac.com/the-project>
- <https://harboursidecommunity.mirvac.com/community-information>
- JBS&G Australia Pty Ltd (**JBS&G**), Acid Sulfate Soil Management Plan, Rev 1, 04/04/22 (**ASSMP**)
- JBS&G, Remedial Action Plan, Harbourside Shopping Centre Redevelopment, 03/05/22, Rev 0 (**RAP, Rev 0, 03/05/22**)
- JBS&G letter to Mirvac, AMR009: Airborne Asbestos Fibre Monitoring Report – Wednesday 15 November 2023, Harbourside Shopping Centre Redevelopment, 2-10 Darling Drive, Sydney, NSW, 16/11/23
- JBS&G Letter to Mirvac, L049: Asbestos Clearance Certificate – Borehole BH04, Harbourside Shopping Centre Redevelopment Site, 2-10 Darling Drive, Sydney, NSW, 15/12/23
- JBS&G, AMR009: Airborne Asbestos Fibre Monitoring Report, 16/11/23
- JBS&G, AMR010: Airborne Asbestos Fibre Monitoring Report, 11/01/24
- JBS&G, Bulk Excavation Air Quality Assessment, Rev 1, 29/04/22 (**AQMP**)
- JBS&G, Dewatering Management Plan, 62851/147518 (Rev A),18/11/22 (**DMP**)
- JBS&G, Hazardous Building Materials Survey, 18/06/22
- JBS&G, L039: Asbestos Clearance Certificate – Unexpected Finds UF02A and UF02B Report, 13/11/23
- JBS&G, L047 - Basement Interim Validation Advice 01 (Rev A).pdf, Letter to Mirvac, L047: Basement Interim Validation Advice 01 – Harbourside Development Site, Sydney, NSW, 21/11/23
- JBS&G, L049: Asbestos Clearance Certificate – Borehole BH04 Report prepared by JBS&G, 15/12/23
- JBS&G, L051 - Waste Classification (SP12) - Harbourside Sydney NSW (Rev 0).pdf, L051: Waste Classification (SP12) - Marine Sediments and Associated Fill (Treated PASS), Basement Envelope, Harbourside Development Site, Sydney, NSW, 05/12/23
- Material Tracking Register.xlsx, Material Tracking Register, Job: N3-463, 31/05/23 to 21/12/23
- McKenzie Group, Construction Certificate No. 211836/02,19/01/24 (**CC2**)
- Mirvac Group Water Quality Discharge Procedure

- Mirvac letter to neighbours, Redevelopment of Harbourside, Re: Redevelopment of Harbourside - Early morning heavy vehicle delivery 17 July 2023, 07/07/23
- Mirvac letter to neighbours, Redevelopment of Harbourside, Re: Redevelopment of Harbourside - Early morning heavy vehicle delivery 27 October 2023, 20/10/23
- Mirvac Letter to PMNSW, Redevelopment of Harbourside Photographic Recordings, 14/09/23
- Mirvac, Construction & Environmental Management Plan, Rev L, 28/08/23 (**CEMP Rev L, 28/08/23**)
- Mirvac, Demolition Hoarding Site Plan .pdf
- Mirvac, Harbourside Independent Audit Stage 2.pdf, Compliance with SSD 38881729, Stage 2 – Harbourside Shopping Centre Development (Response to Audit Recommendations (**RAR**))
- Mirvac, Harbourside: Heritage Protection Strategy, undated
- Mirvac, Ongoing Site Treatment Management Plan, Rev B, 20/10/22 (**OSTMP**)
- Mirvac, Photographs of the archaeological investigations:
 - IMG_9337.jpg
 - IMG_9339.jpg
 - IMG_9340.jpg
 - IMG_9343.jpg
 - IMG_9344.jpg
 - IMG_9345.jpg
 - IMG_9348.jpg
 - IMG_9352.jpg
 - IMG_9358.jpg
 - IMG_9364.jpg
 - IMG_9369.jpg
 - IMG_9377.jpg
 - IMG_9383.jpg
 - IMG_9385.jpg
 - IMG_9783.jpg
 - IMG_9784.jpg
 - IMG_9785.jpg
- Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – August 2023
- Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – December 2023 and January 2024
- Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – July 2023
- Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – November 2023
- Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – October 2023
- Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – September 2023
- Mirvac, Site Security Management Plan, undated
- Mirvac, Special Events Management Plan.pptx, Harbourside Redevelopment, Final Events Management Plan, SSD-38881729, September 2023
- Mirvac, Vibration Monitoring, Sensor Layout (Level 00), Demolition Phase, MCPL_HS_GEOMOT_001_I00 Sensor Layout_rev00, 02/02/2023
- Mirvac, Waste Management Plan Template, V0, 09/07/18
- Mirvac-Crisis-and-Incident-Management-Plan.pdf
- N3-463 - QF 018-Ver.04 - Pre Shutdown Checklist - 20230609.pdf
- NSW Government, Statement of Approval, Approval number 10WA124897, Expiry date 16/08/25
- PMNSW letter to Mirvac, Re: Landowner's Consent Application – LOC Reference Number: #11759, Address: Harbourside Shopping Centre, 2-10 Darling Drive, Darling Harbour, 20/12/22
- Post Approval Form_20221123025549.pdf, SSD-7874-PA-7, Submission of Demolition Environmental Management Plan, including CPTMP
- Post Approval Form_20231211000109.pdf, SSD-38881729-PA-12, Post Approval – Letter of Interim Audit Advice dated 11/12/23
- Property Risk Australia Pty Ltd (PRA) Weekly Dust Monitoring Reports:
 - DM012
 - DM013
 - DM014

- DM015
- DM016
- DM018
- DM019
- DM020
- DM021
- DM023
- DM024
- DM025
- PTC Consultants, Construction Pedestrian and Traffic Management Plan, Rev 8, 01/11/22 (**CPTMP, Rev 8, 01/11/22**)
- Ramboll Independent Environmental Audit – SSD 7874 Harbourside Shopping Centre, Darling Harbour, 29/08/23 (**1st IEA**)
- Security camera mark up - REV 3 240123_1.jpg
- Senversa Letter to Mirvac, Re: Review of Detailed Site Investigation and Remedial Action Plan, Interim Audit Advice No 2. – 2-10 Darling Drive, Sydney NSW, 06/05/22, S18965_002_IAA No.2_Rev0.pdf (**IAA No.2 Rev0**)
- Senversa Letter to Mirvac, Re: Review of Detailed Site Investigation and Remedial Action Plan, Interim Audit Advice No 2. – 2-10 Darling Drive, Sydney NSW, 30/09/22, S18965_002_IAA No.2_Rev1.pdf (**IAA No.2 Rev1**)
- Senversa Letter to Mirvac, Re: Review of Interim Validation Advice 01 – Harbourside Development Site Interim Audit Advice No 3. – 2-10 Darling Drive, Sydney NSW, 01/12/23 (**IAA No.3**)
- Site Notice
- SSD 38881729
- SSD 38881729, Development Consent – Key Sites, 25/06/21 (SSD 38881729)
- Website Snapshot (CEMP Rev K).pdf, 13/02/24

The following documentation was provided following factual review:

- Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm
- Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 25/03/24, with attached: Copy of IEA Findings and Recommendations Table_Stage 2_Audit 2_D2_25 Mar 2024.xlsx
- Mirvac, Construction & Environmental Management Plan, Rev E, 13/12/23 (**CEMP Rev E, 13/12/23**)
- Post Approval Form_20231107063502.pdf, with attached:
 - Melissa Porter_Nov20_Redevelopment.pdf
 - 18956_SAN_MP192.pdf
 - 18965_SAN COI_MP192.pdf (not provided)
 - Tab 2 - Melissa Porter - Notice of accreditation - 3 July 2021.PDF
- DPE email to Mirvac, Harbourside Bulk Excavation Works - Post Approval Document Received - (SSD-38881729-PA-10), 24/10/23, with attached 'Post Approval Form_20231024010743.pdf'
- DPE email to Mirvac, Harbourside Bulk Excavation Works - Post Approval Document Received - (SSD-38881729-PA-10), 24/10/23, with attached 'Post Approval Form_20231107063502.pdf', 'Post Approval Form_20231024010743.pdf'
- 20231001_Harbourside_Monthly Newsletter_October.pdf, Redevelopment of Harbourside Shopping Centre, Community update – October 2023
- JBS&G, Remedial Action Plan, Rev 1, 28/09/22 (**RAP, Rev 1, 28/09/22**)
- McKenzie Group, Building Inspection Report, 1. Before placing a footing (Class 2-9), 23/06/23
- DPE email to Mirvac, Harbourside Bulk Excavation Works - Condition D27 – Updated CPTMP, 11/05/23
- PTC Consultants, Construction Pedestrian and Traffic Management Plan, Rev 3, 23/11/23 (**CPTMP Rev 3, 23/11/23**)
- DPE / PMNSW letter to Mirvac, Re: Landowner's Consent Application to submit a Construction Certificate – LOC Reference Number: #12253, 06/12/23
- 12253 - CC - Harbourside Shopping Centre, 2-10 Darling Drive, Sydney-Construction of the foundation piles, lift and ~ CC1 LOC Documentation Register.PDF, stamped by PMNSW, 06/12/23
- Emails between Mirvac and McKenzie, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (D27, D34), 29/11/23 to 18/12/23

- Mirvac, Harbourside Redevelopment, Final Events Management Plan, SSD-38881729, September 2023
- at&l letter to Mirvac, RE: 2-10 DARLING DRIVE, SYDNEY (SSDA 49295711) HARBOURSIDE SHOPPING CENTRE MAIN WORKS – EROSION AND SEDIMENT CONTROL DESIGN CERTIFICATE, 15/12/23
- at&l, CIV-DWG-OA-5000, Cover Sheet and Drawing List, Issue 1, 08/12/23
- at&l, CIV-DWG-OA-5001, General Notes and Legends, Issue 1, 08/12/23
- at&l, CIV-DWG-OA-5401, Erosion and Sedimentation Control Plan Sheet 1, Issue 1, 08/12/23 (**ESCP Sheet 1**)
- at&l, CIV-DWG-OA-5401 A, Erosion and Sedimentation Control Plan Sheet 2, Issue 1, 08/12/23 (**ESCP Sheet 2**)
- at&l, CIV-DWG-OA-5402, Erosion and Sedimentation Control Details, Issue 1, 08/12/23 (**ESCD**)
- Mirvac, Site Security Management Plan, Rev. A, 21/11/23
- Mirvac and PMNSW emails, RE: Harbourside - Heritage & Archaeology Items, 03/04/23 to 17/04/23
- Geomotion Cloud, Vibration Monitors: Harbour Side- Level 00, Weekly Summary Reports:
 - 2023-07-03 to 2023-07-10
 - 2023-07-10 to 2023-07-17
 - 2023-07-17 to 2023-07-24
 - 2023-07-31 to 2023-08-07
 - 2023-08-07 to 2023-08-14
 - 2023-08-14 to 2023-08-21
 - 2023-08-21 to 2023-08-28
 - 2023-08-28 to 2023-09-04
- Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 27/03/24
- EPA website: <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/virgin-excavated-natural-material>
- EPA website: <https://app.epa.nsw.gov.au/prpoeoapp/default.aspx?range=POEO%20licence&searchrange=licence>, Environment Protection Licence No. 77

4.2 Compliance Performance

The Auditors assessed the development to be compliant with Development Consent SSD 38881729 except for the non-compliances shown in Table 5. Refer to the Independent Audit Table (**Appendix A**) for full details of the identified non-compliances and compliance status of other conditions. **Section 5.1** provides six recommendations associated with the non-compliances. No recommendation was made for NC1.

Table 5: Summary of Non-compliances

NC#	Condition ID	Non-compliance
NC1	B2	The evidence of engaging the Site Auditor was not submitted to the Department until after the earthworks commenced.
NC2	D3	<p>The following documents were not publicly available:</p> <p>(a)(i) Documents referred to in Condition A3(c), specifically the "EIS, RtS and any RRFI" were not available. This was subsequently rectified with a link to the Department's Major Project's Webpage for the project, which contains the EIS, RtS and any RRFI.</p> <p>(a)(iii) All approved strategies, plans and programs, that are not included in the CEMP (i.e. CEMP Rev L, 28/08/23), were not available, including but not limited to, the Community Communication Strategy (CCS), RAP, Site Security Management Plan (SSMP), Acid Sulfate Soil Management Plan (ASSMP) and Dewatering Management Plan (DMP), including a Groundwater Monitoring Plan (GWMP). Following factual review, Mirvac provided a different and later version of the CEMP, being CEMP Rev E, 13/12/23, that included the majority of approved strategies, plans and programs required under the conditions of this consent except for the CCS and DMP/GWMP.</p> <p>(a)(v) Monitoring data (or a comprehensive summary of the monitoring results) was not available for the Audit Period including noise monitoring data, dewatering quality monitoring and vibration monitoring data (since 04/09/23).</p> <p>(a)(vii) A complaints register for July 2023 was not available but the complaints register for June 2023 was duplicated. This was subsequently rectified.</p> <p>(a)(ix) Mirvac's RAR for the 1st IEA was not available. This was subsequently rectified.</p>

NC#	Condition ID	Non-compliance
		The CEMP had not been kept up to date.
NC3	D18	Demolition of the ground floor slab was undertaken by Delta Group during this Audit Period. No evidence has been provided that a demolition work plan prepared by Delta Group and an accompanying statement of compliance with AS 2601-2001 were submitted to the Certifier in accordance with Condition D18 requirements prior to commencement of the ground floor slab demolition.
NC4	E15	The Auditors acknowledge that noise levels have reduced during this Audit Period and were generally below the HNAML during construction hours. However, due to the wording of this condition, Condition E15 remained non-compliant because noise levels exceeded the CNVMP specified noise management levels, including the HNAML, during daytime construction hours.
NC5	E27	No documentation has been provided to show that the waste classifications and the volume of material removed from or imported to the site has been provided to the satisfaction of the Certifier while the building work is being carried out in accordance with Condition E27(b).
NC6	E31	Rainwater, seepage and/or groundwater collected on the site is pumped to an on-site dewatering treatment plant before it is discharged to a street stormwater drain in the vicinity of the Darling Drive roundabout. PMNSW has granted permission to discharge the treated groundwater to the existing PMNSW stormwater assets in accordance with the DMP. However, Mirvac has not sought separate EPA approval in writing prior to discharging seepage or rainwater collected on-site during construction or groundwater to the street stormwater system.
NC7	E54	Mirvac prepared a RAR that was submitted to DPE with the Independent Audit Report on 08/09/23. The Independent Audit Report was made publicly available on the Harbourside Community Website but the RAR was not made available within 60 days of its submission to the Department.
Number of non-compliances identified:		7
Total number of compliance requirements:		169

4.3 Summary of Agency Notices, Orders, Penalty Notices or Prosecutions

No Agency Notices, Orders, Penalty Notices or Prosecutions were issued in relation to the development during the Audit Period.

4.4 Previous Audit Recommendations

An assessment of progress on the recommendations made in the 1st IEA is presented in Table 6.

Table 6: Status of Previous Audit Recommendations

Condition ID	1 st IEA Recommendation	Action Status
Non-compliances		
D3	Update the website to include the required information in Condition D3, specifically, (i), (ii), (iii) and (v). Implement a procedure to ensure all required documentation is uploaded to the website and kept up to date.	During this Audit Period, the public availability of information and documentation was improved but some required documentation was missing (e.g. the RAR to the 1 st IEA) and some documents had not been kept up to date (e.g. CEMP). Condition D3 remained non-compliant.
D15	No recommendation is made as the CCS was submitted to and approved by DPE.	Not applicable.
D25	Issue the photographic recording with the authority of Mirvac and the photographer that PMNSW is granted a perpetual, non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties.	The requirement was met during the Audit Period and is now compliant.
D26	Update the CEMP to include all required components as specified in the consent condition.	Initially it appeared that the CEMP provided to the Auditors, CEMP Rev L, 28/08/23, had not been updated in accordance with recommendations. However, following factual review a different CEMP, CEMP Rev E, 13/12/23, was provided in which all of the required information was addressed except details on flora and fauna management. Condition D26 is

Condition ID	1 st IEA Recommendation	Action Status
D27	Consult the Sydney Light Rail Operator regarding the CPTMP and submit the CPTMP (Revision 8) to DPE.	<p>considered compliant and an opportunity for improvement recommendation has been made.</p> <p>Mirvac's RAR to the 1st IEA indicated that they "have fortnightly and ongoing engagement with Transdev [Sydney Light Rail Operator] and received sign off on the CPTMP from TfNSW representatives, as per documentation provided". Revision 4 of the CPTMP issued on 13/04/22 was emailed to TfNSW and cc'd to a Transdev representative, for review between 23/05/22 to 03/06/22. However, no further documentation has been provided to show that later versions of the CPTMP issued after the issue of SSD 38881729, such as Revision 8 of the CPTMP, was forwarded to TfNSW for endorsement and to Transdev for review and comment.</p> <p>Following factual review, Mirvac provided an email dated 11/05/23 that indicates that an "Updated CPTMP" had been received by the Department, although the revision number and date of issue of the CPTMP is not indicated. It may have been CPTMP, Rev 8, 01/11/22. However, as discussed in the findings for Condition D26, Mirvac provided a different CEMP, CEMP Rev E, 13/12/23, which includes a different version of the CPTMP, being CPTMP Rev 3, 23/11/23. Rev 2 of that CPTMP was issued on 04/11/22. So, the Updated CPTMP submitted to the Department on 11/05/23 was likely to have been either CPTMP, Rev 8, 01/11/22 or CPTMP Rev 2, 04/11/22, which were probably similar, if not the same.</p> <p>Mirvac also provided evidence that a CEMP including the CPTMP was submitted to PMNSW and accepted on 06/12/23.</p> <p>Although the evidence is not clear as to whether Transdev were consulted in the preparation of a particular version of the CPTMP for the purposes of Condition D27, SSD 38881729, the Auditors consider it likely that Transdev were made aware of the updated version(s) during the course of the fortnightly meetings with Mirvac, TfNSW and PMNSW. Therefore, Condition D27 is considered compliant.</p>
D30	Submit the builder's direct contact number to Transport Management Centre.	<p>Mirvac emailed a direct number for the builder, Mirvac, to Transport for NSW (development.sco@transport.nsw.gov.au) on 08/09/23. However, that email is the email referred to in Condition D30 for TfNSW, not the TMC. Following factual review, Mirvac advised that as TfNSW runs the TMC, an email to TfNSW was sufficient. Whilst it may be true that TfNSW runs the TMC, Condition D30 appears to require that both the TMC and TfNSW be contacted. However, the Auditors acknowledge that the wording of Condition D30 could be considered ambiguous and interpreted to mean that the specified email address may cover both the TMC and TfNSW. On this basis, the Auditors consider Condition D30 to be compliant but make an opportunity for improvement recommendation to provide the builder's direct contact number to Transport Management Centre via post or to livetraffic@tmc.transport.nsw.gov.au.</p>
D31	Prepare a Special Events Management Plan that meets the requirements of condition D31 as soon as practicable.	<p>A Special Events Management Plan, also called a Final Events Management Plan by Mirvac, was prepared during the Audit Period and included in CEMP Rev E, 13/12/23. Condition D31 is considered compliant.</p>
D35	Prepare and implement a Reactive Air Quality and Odour Management Plan which includes an Ambient Air Monitoring Program and Reactive Management Strategy.	<p>Mirvac's RAR to the 1st IEA indicated that "Mirvac and JBS&G (consultant) disagree with this assessment and refer to Section 6 of the Air Quality Assessment plan for evidence". The Auditors reviewed Section 6 of the AQMP again and on further consideration accepted that it met the requirement through a combination of control measures including visual dust monitoring, continuous real-time particulate monitoring (PM10) and crystalline silica and/or asbestos in air monitoring when work activities indicate that crystalline silica or asbestos exposure are a risk, as well as odour management measures for odour generated by Potential Acid Sulfate Soils (PASS) and covering of stockpiles. Condition D35 is considered compliant.</p>
D39	Prepare a Site Security Management Plan in accordance with Condition D39. Submit it to PMNSW for approval.	<p>A Site Security Management Plan was prepared during the Audit Period and included in CEMP Rev E, 13/12/23. Condition D39 is considered compliant.</p>
D52	Submit the Service Report Pest Register to PMNSW and obtain PMNSW approval of the report.	<p>A 'Harbourside [sic] final rodent report' was prepared prior to commencement of works and sent to PMNSW for approval. PMNSW noted the report and advised that it had no further comment on the report. Condition D52 is considered compliant.</p>

Condition ID	1 st IEA Recommendation	Action Status
E15	<p>Endeavour to reduce noise levels below the approved noise limits. Consider reviewing the noise limits and/or Condition C15 requirements in consultation with DPE if the noise limits are considered unachievable.</p>	<p>Mirvac's RAR to the 1st IEA indicated that the "noise limits were exceeded due to Darling Harbour being an active dining and entertainment precinct" and that the "limits were exceeded outside of construction hours". Whilst that was the case, the HNAML was exceeded during the daytime construction hours as well.</p> <p>During this Audit Period and, as discussed in relation to Conditions E9 and E10 in the Audit Table (Appendix A), noise levels have been generally lower compared to the previous audit period. There were about seven occasions when the Highly Noise Affected Management Level (HNAML) of 75 dB(A) was exceeded during construction hours, two of which were outside the Condition E9 hours for high impact construction noise.</p> <p>There were no noise complaints during the Audit Period, except one complaint about late notification of an early morning vehicle movement, although investigation indicated the late notification was not due to Mirvac. Evidence of noise mitigation in response to a Sofitel request was observed during the site inspection and the reduction in noise complaints during the Audit Period to zero also indicates that noise mitigation measures have been implemented.</p> <p>Following factual review, Mirvac advised that the Acoustic Logic "report clearly outlines that the limit is not a hard limit and if there are exceedances then there are further measures (such as respite which we have implemented at all times when undertaking highly noise intrusive works) that can be implemented". Acoustic Logic's 'Noise Monitoring Report 21 – Murray Street Resident' (13-30/11/24) indicates that "Exceedance of the noise management level is not necessarily prohibited, however is a trigger for providing mitigation measures for the control of noise from construction activities".</p> <p>The Auditors acknowledge that noise levels have reduced during this Audit Period and were generally below the HNAML during construction hours. However, due to the wording of this condition, Condition E15 remains non-compliant because noise levels exceeded the CNVMP specified noise management levels, including the HNAML, during daytime construction hours.</p>

Opportunities for Improvement

A20	<p>Consider improving the site induction to include reference to the Development Consent (SSD 38881729) and ensure that employees and contractors are aware of consent condition requirements to protect stormwater and prevent water pollution.</p>	<p>During this Audit Period, Delta Group were aware of the consent conditions during the site visit and advised that subcontractors became aware during induction training. An updated copy of the induction presentation was provided that now addresses stormwater protection and controls to prevent water pollution. Whilst it does not specifically refer to the Consent Conditions or SSD 38881729, it is fairly comprehensive and covers a number of consent condition requirements including, but not limited to, hours of work, respite periods, noise mitigation, dust mitigation and unexpected finds protocol. Condition A20 remains compliant and the Auditors recommended that the induction include reference to the Development Consent (SSD 38881729).</p>
B1	<p>Review and revise the Safety Management Plan or prepare a separate Work Health Safety Management Plan to identify potential hazards arising from the site remediation works and their controls. The Safety Management Plan should meet the objectives outlined in Section 8.2.1 of the RAP. Ensure that the Work Health Safety Management Plan is appropriately authorised, submitted to the Certifier for information and implemented throughout the direction of remediation works.</p>	<p>Mirvac's RAR to the 1st IEA indicated that they disagreed with the Auditor's recommendation because asbestos was clearly identified as a hazard in the SMP and UFP. Whilst that is true, as previously noted, the SMP did not consider the other Chemicals of Potential Concern identified in the RAP, being Heavy Metals, Phenols, Total Recoverable Hydrocarbons (TRH), Volatile Organic Compounds (VOCs) and Polycyclic Aromatic Hydrocarbons (PAHs), which could present a hazard to the remediation workers. The SMP was appropriately authorised and submitted to the Certifier on 08/09/23. Condition B1 remains compliant but the Auditors made a further recommendation.</p>
B2	<p>Prior to the commencement of earthwork or remediation works, submit appointment of the Site Auditor to DPE.</p>	<p>Mirvac provided evidence of engagement of a Site Auditor to the Department during the Audit Period but it was not prior to commencement of earthwork or remediation works. Therefore, Condition B2 is non-compliant but no recommendation is made.</p>

Condition ID	1 st IEA Recommendation	Action Status
C8	Review and revise the Heritage Protection Strategy to include a Geotechnical Report. Submit the revised Heritage Protection Strategy to PMNSW for approval.	<p>Mirvac’s RAR to the 1st IEA indicated that a “Geotechnical Report has been approved by PMNSW”.</p> <p>The Heritage Protection Strategy was not revised as recommended. The Auditors have not been provided with evidence of HNSW/PMNSW’s approval of the Geotechnical Report in the context of the Heritage Protection Strategy. The Auditors reviewed the Geotechnical Report and consider that the Geotechnical Report provided does not meet the intended requirements of Condition C8(c) for the purpose of ensuring that the Pyrmont Bridge and Woodward Water Feature are suitably protected and stabilised during the construction process. Instead, the Heritage Protection Strategy relies on vibration monitoring in the vicinity of Pyrmont Bridge. Protection of the Woodward Water Feature is not discussed, possibly because it is further away from the site boundary.</p> <p>Based the Certifier’s Building Inspection Report, ‘1. Before placing a footing (Class 2-9)’, dated 23/06/23, the Certifier required further documentation from a Geotechnical Engineer about potential impacts to neighbouring properties. Based on the available documentation, the Auditors are unable to verify that the Heritage Protection Strategy will adequately protect the Pyrmont Bridge and Woodward Water Feature. Condition C8 remains compliant but for this reason, the Auditors’ previous opportunity for improvement recommendation remains.</p>
D32	<p>Review and revise the CNVMP to:</p> <ul style="list-style-type: none"> • reference the EPA’s ICNG, as required in Condition D32(d) and Condition E10, and more clearly discuss the selected noise criteria relative to the various guidelines; • more clearly discuss the triggers (e.g. 1-2 noise complaints, or sustained noise complaints) and the noise action levels for requiring further mitigation in accordance with Conditions E10 and E14; • include a method for recording or otherwise documenting the daily construction activities, including demolition, to assist Acoustic Logic to analyse the noise monitoring data and provide context for the noise levels generated by the development; • include the reporting requirement if noise management levels cannot be satisfied. <p>Obtain Certifier approval for the revised CNVMP.</p>	<p>Mirvac’s RAR to the 1st IEA indicated that an update of the CNVMP was in progress. However, the CNVMP has not been updated during this Audit Period, as recommended.</p> <p>Condition D32 remains compliant and given that the recommendations were opportunities for improvement, the Auditors make no further recommendations.</p>
D38	Review and revise the CSWMP / CEMP to the satisfaction of the Certifier, to describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI. Submit the revised CSWMP / CEMP to PMNSW.	<p>Mirvac’s RAR to the 1st IEA indicated that no further action was proposed because the Certifier had signed off on the CSWMP and CEMP.</p> <p>The Auditors reviewed CEMP Rev L, 28/08/23 and noted that the Erosion and Sediment Control Plan (ESCP) and Erosion and Sediment Control Details (ESCD) drawings had been updated to specify the use of Drain Wardens as a sediment control measure. Following factual review, Mirvac provided a different and later version of the CEMP, being CEMP Rev E, 13/12/23. The ESCP and ESCD drawings had been updated further and an ‘Erosion and Sediment Control Design Certificate’ by at&I was included that indicated that the referenced Civil Engineering Plans meets the requirements of “Condition D34 ‘Construction Soil and Water Management Plan’”, which is a reference to a similar condition in SSD 49295711 (i.e. Development Consent for Stage 3 construction of the development). Refer to the Condition D38 findings in the Audit Table (Appendix A) for detail on the Auditors’ review of the updated CEMP, ESCP and ESCD.</p> <p>Mirvac provided a PMNSW LOC dated 06/12/23 that indicates that PMNSW had received a CEMP. Mirvac advised that it was</p>

Condition ID	1 st IEA Recommendation	Action Status
		<p>CEMP Rev E, 13/12/23 but that can't be the case because it was issued after the LOC. The Auditors assume that CEMP Rev D, 22/11/23 was submitted to PMNSW, which would not have included the updated ESCP and ESCD, which were issued 08/12/23.</p> <p>Mirvac submitted CEMP Rev E, 13/12/23, including the CSWMP, to the Certifier on 18/12/23 and the Certifier indicated satisfaction with both the CEMP Rev E, 13/12/23 and the CSWMP on the same day.</p> <p>The Auditors consider that the updated ESCP / CSWMP has been improved and Condition D38 remains generally compliant but considering the potential for sediment release along the eastern hoarding during a wet weather event, further improvements are recommended to ensure that the CSWMP can be more effective during future wet weather events. Also refer to Condition E26 findings and opportunity for improvement recommendations in the Audit Table.</p>
<p>D41</p>	<p>Review and revise the CEMP to describe in more detail how stormwater will be managed and disposed of, including detail on the provision and maintenance of overland flow paths. The revised CEMP should be submitted to the satisfaction of the Certifier specifically relating to Condition D41 requirements.</p>	<p>Mirvac's RAR to the 1st IEA noted the recommendation.</p> <p>As discussed in the findings for Condition D38, the CEMP Rev L, 28/08/23 was revised during the Audit Period to specify the use of Drain Wardens as a sediment control measure. As discussed above in relation to Condition D38, the CEMP, CSWMP / ESCP / ESCD were further updated in CEMP Rev E, 13/12/23. As discussed in the Condition D38 findings in the Audit Table (Appendix A), the updated ESCP does not indicate overland flow paths although it refers to "overland flow paths as defined by the Stantec Flood Report", which has not been provided to the Auditors. Overland flow paths are not discussed elsewhere in CEMP Rev E, 13/12/23.</p> <p>Mirvac submitted CEMP Rev E, 13/12/23, including the CSWMP, to the Certifier on 18/12/23 and the Certifier indicated satisfaction with both the CEMP Rev E, 13/12/23 and the CSWMP on the same day.</p> <p>The Auditors observed during the site visit that erosion and sediment control measures were implemented including the use of Drain Wardens, coir logs, sediment fencing, geotextile sausages and stabilised site access and truck wash down area, generally in accordance with the Erosion and Sedimentation Control Details.</p> <p>Condition D49 remains compliant and no further recommendation for improvement is made. However, the Auditors have retained the recommendation for improvement in Condition D38 and made a further recommendation in relation to Condition E26.</p>
<p>D49</p>	<p>Review the unexpected finds protocol to include processes for notification and consultation with PMNSW and the Heritage Council.</p>	<p>Mirvac's RAR to the 1st IEA indicated that the "recommendations in the unexpected finds protocol state that an archaeologist is to attend site and advise of the next steps in the case of an unexpected find". That is the case, but the induction does not address the process for notification and consultation with PMNSW and the Heritage Council.</p> <p>The Auditors understand that Mirvac would contact Curio in the event that an unexpected archaeological relic was found and that Curio would assess the find and based on that assessment, notify PMNSW and the Heritage Council as appropriate. Curio advised that a representative of the Heritage Council visited the site during the open excavation archaeological investigations. As the previous recommendation was an observation for improvement and there appears to be a robust process in place in which PMNSW and Heritage Council would be consulted as appropriate, the Auditors found Condition D49 remains compliant and no further recommendation was made.</p>
<p>D55</p>	<p>Review and revise the DMP to include the frequency of groundwater level monitoring. Obtain DPE Water and NRAR approvals prior to commencing dewatering.</p>	<p>Mirvac's RAR to the 1st IEA indicated that the 1st IEA recommendations were "Noted, [and would] be in place prior to commencing of dewatering".</p> <p>The DMP, including the GWMP, was not revised during the Audit Period. However, the DMP was issued to DPE Water, as referenced in the Water Supply Works Approval 10WA124897, Condition DK7839-00016, which is taken to indicate DPE Water approval of the DMP. The Water Supply Works Approval 10WA124897 requires continuous or daily measurements of groundwater levels under Condition</p>

Condition ID	1 st IEA Recommendation	Action Status
		DS7744-00001. Condition D55 remains compliant based on the documentation provided.
D60	Implement stabilised site access and the wheel wash as soon as practicable. Ensure that vehicles are not leaving site with sediment on wheels and if sediment tracking is observed on the road, arrange for a street sweeper as soon as practicable.	Mirvac's RAR to the 1 st IEA indicated that a "Wheel wash has been established". During the site visit, Auditors observed a working wheel washing system currently employed during the time of the site visit as well as stabilised site access. The Auditors consider that suitable measures had been implemented to prevent tracking of sediment onto Darling Drive and therefore, Condition D60 remains compliant.
E2	Remove superseded Site Notices to avoid confusion of the public.	Mirvac's RAR to the 1 st IEA indicated "Noted, superseded site notices have been removed". This was confirmed during the site visit for this Audit. Condition E2 remains compliant.
E3	Consider placing more of the Mirvac signs providing the 1800 number at more locations around the site boundary including all of the site entrances.	Mirvac's RAR to the 1 st IEA indicated "Noted". Although the Auditors noted that signs displaying the Community Consultation Contact 1800 Hotline number (1800 870 549) and email (consultation@ethosurban.com) were not sighted. However QR Codes linking to Mirvac's project webpage were evident on the eastern hoarding along the public walkway. Conditions E3 remains compliant and no further recommendation is made.
E10	Where construction work is planned that is considered likely to generate more elevated noise levels, consider conducting additional noise monitoring to verify noise levels and consider whether further mitigation is needed in accordance with the CNVMP action plan. If a resident complains about noise levels, consider conducting noise monitoring at the residency to assess whether additional mitigation measures are needed in order to prevent sustained complaints occurring.	Mirvac's RAR to the 1 st IEA indicated "Noted". Based on the noise monitoring reports provided for review, $L_{Aeq(15min)}$ noise levels intermittently exceeded the Highly Noise Affected Management Level (HNAML) of 75 dB(A) for short periods of approximately 30-60 minutes in any one day. The maximum noise level was approximately 79 dB(A). Evidence of noise mitigation in response to a Sofitel request was observed during the site inspection and the reduction in noise complaints during the Audit Period to zero also indicates that noise mitigation measures have been implemented. Mirvac advised that respite periods continue to be implemented. As no noise complaints have been received and the noise levels have generally improved with only intermittent and short duration exceedances of the HNAML, the additional mitigation and noise monitoring has not been required. Therefore, Condition E10 remains compliant and no further recommendation is made.
E50	Prepare and implement a register for unexpected finds which includes the associated documentation required for unexpected finds including inspection reports, clearance certificates, air monitoring and waste disposal documentation.	Mirvac's RAR to the 1 st IEA indicated "Noted, register to be updated". The Auditors understand JBS&G are maintaining unexpected finds records but the Auditors have not been provided with a register of the unexpected finds and they are not referred to in Delta Group's Incident Report Register. Condition E50 remains compliant but the recommendation to prepare and implement a register for recording the unexpected finds and associated documentation has been made again.
General	Where practicable, identify the source and the stage of work to which elevated noise levels and complaints relate to, in the noise monitoring reports and complaints register, respectively.	Mirvac's RAR to the 1 st IEA indicated "Noted". The Complaints Register and the noise monitoring reports do not appear to have changed to indicate the stage of work although the noise monitoring reports did broadly indicate what activities were occurring during the reported monitoring period. As no noise complaints were received during the Audit Period, the source of a complaint could not be identified. No further recommendation is made.

4.5 EMP, Sub-plans and Post Approval Documents

The Construction Environmental Management Plan (CEMP) and a number of its sub-plans were revised during the Audit Period, notably the Construction Pedestrian and Traffic Management Plan (CPTMP) and the Construction Soil and Water Management Sub-Plan (CSWMP), comprising the Erosion and Sedimentation Control Plan (ESCP) and Erosion and Sedimentation Control Details (ESCD) drawings. The following sub-plans, monitoring programs, and unexpected finds protocols were attached to the revised CEMP, CEMP Rev E, 13/12/23:

- Special Events Management Plan, also referred to as a Final Events Management Plan;
- Site Security Management Plan

- Unexpected Finds Protocol (UFP)
- Archaeological Induction, containing the unexpected finds protocol for relics
- Remedial Action Plan (RAP); and
- Acid Sulphate Management Plan.

The management plans are considered generally compliant although further recommendations for improvement were made in relation to:

- the CEMP → Condition D26 findings and recommendations; and
- the CSWMP → refer to Condition D38 findings and recommendations.

Based on the documentation reviewed, the site visit and interviews with Mirvac and Delta Group, implementation of the management plans has generally been undertaken in accordance with the consent conditions. Notably, noise levels have reduced and only four community complaints were received during the Audit Period.

As discussed in the findings for a number of the Conditions (A15, A16, A17, A18, A19, D38, E26), there were two sediment releases during the Audit Period, one on 15 January 2024 and the second on 16/01/24. The sediment release on 15 January 2024 occurred because of a wet weather event. The second sediment release on 16 January 2024 occurred during the subsequent maintenance of the sediment controls, which reportedly involved their temporary removal. As discussed in the findings, Mirvac considered neither event represented an "incident" or a "non-compliance" with the Development Consent conditions because the sediment releases were trivial and/or not from the site and sediment and erosion controls were implemented and being maintained. The site's stormwater drainage, overland flow paths and the measures to manage stormwater and flood flows for small and large sized events, are not, in the Auditors' opinion, clearly detailed in the CEMP and CSWMP / ESCP / ESCD, which could contribute to a future re-occurrence. For this reason, the Auditors have made recommendations for improvement to the CSWMP / ESCP / ESCD.

Mirvac should manage the revision of management plans and sub-plans to ensure that only one version of the plan is in use at any one time. The Auditors also note that Mirvac have elected to stage construction under different Development Consents and the Conditions relating to EMPs change to varying degrees between the different Development Consents. Therefore, the Auditors assume that the requirements of the Conditions under SSD 38881729 must be met anew regardless of what may have previously occurred under a previous Development Consent (e.g. Stage 1 SSD 7874). For the purpose of clarity, it is the Auditors' opinion that although a management plan (e.g. CPTMP) may have been prepared in consultation and reviewed and submitted to stakeholders previously under one Development Consent, the process should be repeated for the management plan under a different Development Consent, unless the Conditions under the respective Development Consents are exactly the same. The Auditors suggest that Mirvac could discuss and clarify these issues with the Department, as considered appropriate.

4.6 EMS

There is no project specific Environmental Management System (EMS) for the project. The Auditors consider the various management plans noted in **Section 4.5** to be generally appropriate for managing environmental matters.

4.7 Environmental Performance

Noise levels improved during the Audit Period, due in part to the reduction in demolition activities. No noise complaints were received indicating that noise mitigation measures were implemented and appear effective.

Particulate dust (PM₁₀) monitoring indicated that PM₁₀ dust levels were generally below the dust level guidelines values. However, there was a period during October 2023 when the dust levels at the western dust monitor were elevated and the consultant, PRA, recommended Delta Group

review dust control in the western part of the site. A large water mist cannon was observed in operation that appeared effective.

As discussed in Section 3.5 and the Audit Table there were two sediment releases during the Audit Period, following a wet weather event. The Auditors have made recommendations for improvement to the CSWMP / ESCP / ESCD to prevent a re-occurrence.

No other significant environmental performance issues were identified. Overall, the environmental performance of the development during the Audit Period is considered to be of a high standard.

4.8 Complaints

The number of community complaints has reduced, being only four reported complaints during the Audit Period related to different issues: the placement of a soil stockpile, a broken hose leaking water into the site, the sediment release on 15/01/24, and late notification of delivery of plant (a crane) outside construction hours, which was found on investigation not to be the fault of Mirvac. The Auditors have no reason to believe that complaints are not being addressed in a timely and satisfactory manner to resolve community concerns.

4.9 Incidents

No incidents, as defined under SSD 38881729 and requiring notification of DPE, have reportedly occurred during the Audit Period.

4.10 Actual Verses Predicted Environmental Impacts

The Auditors have not identified inconsistencies between actual environmental impacts and the predicted environmental impacts.

4.11 Site Inspection

As discussed in **Section 3.4**, the Auditors carried out two site inspections, one on 16 January 2024 and a second site inspection on 23 January 2024. The first site inspection was limited to the perimeter of the site. The second site inspection was the main site inspection. Photographs taken during the site visit are provided in **Appendix D**.

4.12 Site Interviews

Project personnel interviewed during the two site inspections are detailed in **Section 3.4**. Documents were reviewed at Delta Group's site office but the majority of documents were provided electronically and reviewed off-site.

4.13 Improvement Opportunities

The following opportunities for improvement have also been identified in Table 7. Refer to **Section 5.2** for recommended actions. Refer to the Independent Audit Table (**Appendix A**) for full details.

Table 7: Opportunities for Improvement – SSD 38881729

Condition	Opportunity for Improvement
A20	The Delta Group Site Induction does not specifically refer to the Consent Conditions or SSD 38881729 but is otherwise fairly comprehensive and covers a number of consent condition requirements.
B1	Delta Group's Safety Management Plan (SMP) does not explicitly identify the potential hazards arising from the site remediation works and their controls, aside from asbestos. The SMP did not consider the other Chemicals of Potential Concern identified in the RAP, being Heavy Metals, Phenols, Total Recoverable Hydrocarbons (TRH), Volatile Organic Compounds (VOCs) and Polycyclic Aromatic Hydrocarbons (PAHs), which could present a hazard to the remediation workers. The SMP does not refer to the RAP requirement to conduct perimeter asbestos in air monitoring during asbestos removal works (RAP, Section 8.2.2), or to consider other hazards presented by potentially contaminated material (RAP, Section 8.2.3).
B5	Although the most recent version of the RAP (28/09/22) was issued prior to determination of SSD 38881729 and therefore, is not relevant to Condition B5 requirements, the Auditors have not been provided with evidence that the 28/09/22 version of the RAP was submitted to and approved in writing by the Planning Secretary.
C8	The Heritage Protection Strategy was not revised to include a Geotechnical Report and no evidence has been provided of HNSW/PMNSW's approval of the Geotechnical Report in the context of the Heritage Protection Strategy. The Geotechnical Report does not detail an investigation of the location and depth

Condition	Opportunity for Improvement
	<p>of footings of the adjacent buildings. The Geotechnical Report provided does not meet the intended requirements of Condition C8(c) for the purpose of ensuring that the Pyrmont Bridge and Woodward Water Feature are suitably protected and stabilised during the construction process. Instead, the Heritage Protection Strategy relies on vibration monitoring in the vicinity of Pyrmont Bridge. Protection of the Woodward Water Feature is not discussed, possibly because it is further away from the site boundary.</p> <p>Based on the available documentation, the Auditors are unable to verify that the Heritage Protection Strategy will adequately protect the Pyrmont Bridge and Woodward Water Feature. For this reason, the Auditors opportunity for improvement recommendation remains.</p>
D8	<p>Mirvac advised that the Certifier visited the site during this Audit Period to inspect a pile/footing however, no survey plan measuring and marking the positions of all footings / foundations related to the building work has been provided to the Certifier during this Audit Period.</p> <p>Following factual review, Mirvac advised that whilst pilings had been installed as set-out by a surveyor, no footings had been completed. Mirvac will provide as-builts of all works related to foundations/footings to the Certifier once substantial work has been completed. Mirvac don't believe the certifier will require each individual element that has been set out ... to be issued to them as this will be required daily then.</p> <p>The Auditors accept that frequent surveys while building work is being carried out may not be required in accordance with Condition D8 but they should be conducted "while building work is carried out", as opposed to at completion or near completion, and as required by the Certifier.</p>
D26	<p>CEMP Rev E, 13/12/23 does not address details of flora and fauna management.</p>
D30	<p>Mirvac emailed a direct number for the builder, Mirvac, to Transport for NSW (development.sco@transport.nsw.gov.au) on 08/09/23. However, that email is the email referred to in Condition D30 for TfNSW, not the TMC. Mirvac advised that as TfNSW runs the TMC, an email to TfNSW was sufficient. Whilst it may be true that TfNSW runs the TMC, Condition D30 appears to require that both the TMC and TfNSW be contacted. However, the Auditors acknowledge that the wording of Condition D30 could be considered ambiguous and interpreted to mean that the specified email address may cover both the TMC and TfNSW. On this basis, the Auditors consider Condition D30 to be compliant but make an opportunity for improvement recommendation.</p>
D38	<p>CEMP Rev E, 13/12/23, Appendix D contains updated ESCP and ESCD drawings, as well as an 'Erosion and Sediment Control Design Certificate' by at&l. The updated ESCP does not indicate overland flow paths although it refers to "overland flow paths as defined by the Stantec Flood Report", which has not been provided to the Auditors. Overland flow paths are not discussed elsewhere in CEMP Rev E, 13/12/23. The south-eastern part of the site is lower than the western part of the site and there are no sediment retention basins to capture and retain stormwater aside from the basement excavation, the top of which is higher than the eastern boundary. The ESCP shows that clean water is diverted around the basement excavation in an easterly direction but it does not show where the stormwater is directed to, other than towards the eastern hoarding. It appears that the site relies on the hoarding and it's sediment controls to prevent discharges of sediment. The ESCP indicates that "site hoarding is to be certified by structural engineer to be able to withstand flood events up to and including the PMF event". Not all of the stormwater drains are clearly shown (e.g. gutter drain near the truck wheel wash). The 'Stormwater Drainage Notes' in CIV-DWG-OA-5001, General Notes and Legends, which refers to 'stormwater design criteria and ARIs, appears to relate more to the final stormwater drainage system as opposed to the stormwater drainage system during construction. The drawing legend does not indicate the meaning of the blue dashed lines, including the lines from the basement excavation (rainwater, seepage and/or groundwater from dewatering?) to the Dewatering Plant and from there to the street gutter drain near the Darling Drive roundabout.</p> <p>The Auditors consider that the updated ESCP / CSWMP has been improved and Condition D38 remains generally compliant but considering the potential for sediment release along the eastern hoarding during a wet weather event, further improvements are recommended to ensure that the CSWMP can be more effective during future wet weather events. Also refer to Condition E26 findings and recommendations.</p>
E1	<p>The CEMP sighted during the site inspection was CEMP Rev L, 28/08/23, and not the later CEMP Rev E, 13/12/23, at least in hardcopy, on the site.</p>
E9	<p>A review of the noise monitoring reports provided indicates that five out of the seven occasions when the 'Highly Noise Affected Management Level' (HNAML) was exceeded occurred during the hours specified in Condition E9 for high noise impact work. However, on the 29/11/23 and 30/11/23, noise levels of ~78-79 dB(A) were recorded at about 6pm and 1pm, respectively. The source of the elevated noise levels at those times is not indicated in the noise monitoring report (Acoustic Logic, Harbourside, Noise Monitoring Report 21 – Murray Street Residents, 11/12/23).</p>
E16	<p>No vibration monitoring reports were provided or made publicly available since 04/09/23.</p>
E26	<p>Sediment entrained water was reported as observed in Darling Harbour on 15/01/24. It appears some sediment may have escaped the barriers (i.e. sediment fencing, coir logs and hoarding) surrounding the site indicating that the barriers were not entirely effective during a wet weather event (15/01/24, 62 mm recorded at Sydney Observatory Hill).</p> <p>Sediment entrained water was released to a street stormwater drain near the Darling Drive roundabout on 16/01/24 when the sediment control barriers had been temporarily removed for maintenance. The stormwater pit that the truck wash drains to had geotextile fabric in the pit but no geotextile sausages to prevent sediment entering the pit in accordance with the Erosion and Sediment Control Details drawing.</p>
E32	<p>Mirvac has obtained PMNSW approval in writing "to discharge treated groundwater to the existing PMNSW Stormwater assets in accordance with the dewatering management plan". Although rainwater /</p>

Condition	Opportunity for Improvement
	stormwater collected in the basement excavation is mixed with seepage/groundwater and treated in the dewatering treatment plant before discharge to the street stormwater system, the PMNSW LOC only permits the discharge of groundwater and does not mention or permit the discharge of stormwater to their stormwater assets. The Auditors understand that PMNSW conduct approximately monthly site inspections and would most likely be aware that the treated groundwater includes collected stormwater.
E49	Evidence has not been provided to show that the asbestos contaminated soil was transported to the Genesis Landfill using the EPA's WasteLocate system, since replaced by the Integrated Waste Tracking Solution (IWTS), or that the Genesis Landfill was authorised to accept it, in accordance with the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> . The Auditors understand that the Genesis Landfill is now the Bingo Eastern Creek Landfill and it is licensed to accept asbestos waste.
E50	The Auditors understand JBS&G are maintaining unexpected finds records but the Auditors have not been provided with a register of the unexpected finds and they are not referred to in Delta Group's Incident Report Register.

4.14 Key Strengths

The Auditors consider management of the current stage of development by Mirvac and Delta Group to be of a generally high standard in relation to site management, environmental performance and documents/records management.

Recommendations have been made in **Section 5.2** to further improve management systems and environmental performance.

5. RECOMMENDATIONS AND OPPORTUNITIES FOR IMPROVEMENT

5.1 Recommendations in Relation to Non-compliances

The recommendations for the non-compliances are presented in Table 8.

Table 8: Recommendations for Non-compliances

NC#	Condition ID	Recommendation
NC1	B2	No recommendation is made.
NC2	D3	Update the Harbourside Community Website to include CEMP Rev E, 13/12/23, the Community Communication Strategy and Dewatering Management Plan, including a Groundwater Monitoring Plan, and a more complete comprehensive summary of the monitoring results. Implement a procedure (e.g. a checklist for monthly review) to ensure all required documentation is uploaded to the website and kept up to date.
NC3	D18	In the event that further demolition work is required, ensure that a work plan and statement of compliance are prepared and submitted to the Certifier in accordance with Condition D18.
NC4	E15	Endeavour to reduce noise levels below the approved noise limits. Consider reviewing Condition E15 requirements in consultation with the Department if the noise limits are considered unachievable.
NC5	E27	Review and revise the Material Tracking Register to include imported material. Ensure that the waste classifications and tracking of volume of materials removed from or imported to the site are progressively reported to the Certifier while building work is being conducted.
NC6	E31	Seek the EPA's written approval to discharge seepage or rainwater collected on-site during construction or groundwater to the street stormwater system or confirm in writing from the EPA that EPA approval is not required.
NC7	E54	Implement a process to ensure that both the Independent Audit Report and the RAR are made publicly available at the same time.

5.2 Recommendations in Relation to Opportunities for Improvement

The recommendations for opportunities for improvement are presented in Table 9.

Table 9: Recommendations for Opportunities for Improvement

Condition ID	Recommendation
A20	Consider improving the site induction to include reference to the Development Consent (SSD 38881729).
B1	Review and revise the Safety Management Plan or prepare a separate Work Health Safety Management Plan to identify potential hazards arising from the remaining site remediation works and their controls. The Safety Management Plan should meet the objectives outlined in Sections 8.2.1, 8.2.2 and 8.2.3 of the RAP.
B5	If it has not already been done, submit the 28/09/22 version of the RAP to the Planning Secretary for approval in writing.
C8	Review and revise the Heritage Protection Strategy to include a Geotechnical Report that meets the requirements of Condition C8(c) or alternatively provide a statement from a Geotechnical Engineer, that the Heritage Protection Strategy and the Geotechnical Report (Douglas Partners, 06/02/23) satisfy

Condition ID	Recommendation
	Condition C8(c) requirements for the purpose of ensuring that the Pyrmont Bridge and Woodward Water Feature will be suitably protected and stabilised for the remainder of the construction process. Submit the revised Heritage Protection Strategy and/or Geotechnical Engineer's statement to PMNSW for approval.
D8	Request the Certifier to advise how frequently the footings/foundations and any other marks required by the Certifier should be measured and marked by a registered surveyor while building work is conducted. Carry out the surveys in accordance with the Certifier's advice.
D26	Update the CEMP to include details on flora and fauna management. Note, this may entail indicating, consistent with the EIS, that the site is a " <i>highly modified and disturbed urban environment, and [the development] would not impact on biodiversity values. The site is not considered to have habitat suitable for any threatened flora and fauna</i> ".
D30	Submit the builder's direct contact number to the Transport Management Centre using the email address livetraffic@tmc.transport.nsw.gov.au (an email address provided for Developers to provide feedback or enquire on the Live Traffic NSW data files) or by mailing it to PO Box 1625, Strawberry Hills 2012.
D38	Review and revise the CSWMP / ESCP so that stormwater drainage is managed and retained within the site boundaries during the construction, including during wet weather events. The CSWMP / ESCP is required to describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.
E1	Ensure that the latest version of the CEMP is kept on the site and remove superseded CEMP versions to prevent confusion or misunderstanding.
E9	Review records to assess the work activities conducted at the times of the HNAML exceedances on 29-30/11/23. Consider how the HNAML exceedances at those times could have been avoided and/or mitigated to prevent a re-occurrence of HNAML exceedances outside the Condition E9 timeframes.
E16	Continue to monitor vibration levels, unless appropriate justification is provided.
E26	Continue to maintain the sediment and erosion controls so that they prevent discharges of sediment entrained water to Darling Harbour and stormwater drains. Ensure that geotextile sausages are used to prevent sediment entering the street stormwater pits, particularly near the truck wash. Consider how the process of maintaining the sediment controls, including equipment such as water hoses used for cleaning, can be improved so that stormwater drains remain protected when the sediment fencing and coir logs are temporarily removed.
E32	Seek PMNSW's written approval to discharge site stormwater to the PMNSW stormwater assets as the current approval refers only groundwater.
E49	Retain records to show that asbestos waste is disposed of to a facility authorised to accept it and that it is transported using the EPA's IWTS in accordance with the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> .
E50	If it hasn't already been done, prepare and implement a register for unexpected finds which includes the associated documentation required for unexpected finds including, but not limited to, inspection reports, clearance certificates, air monitoring records, transport records and waste disposal documentation.

6. CONCLUSIONS

The Auditors assessed the development to be compliant with SSD 38881729 with the exception of seven (7) non-compliances. Six recommendations have been made in relation to the non-compliances, as well as fifteen in relation to opportunities for improvement.

The Auditors consider management of the development by Mirvac and Delta Group to be of a generally high standard in relation to site management, environmental performance and documents/records management. There were no community complaints related to the Stage 2 works since commencement of the Stage 2 works.

APPENDIX A INDEPENDENT AUDIT TABLE

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
Schedule 2 – Part A Administrative Conditions					
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT					
A1	In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.	<ul style="list-style-type: none"> Refer relevant Conditions as listed in findings column 	The Auditors observed that reasonable and practical measures are being implemented to prevent or minimise material harm to the environment, e.g. sediment controls are checked weekly.	Compliant	
DEVELOPMENT DESCRIPTION					
A2	Consent is granted to works including demolition of the slab, bulk excavation and retention, as described in Schedule 1 and in accordance with the conditions contained in this development consent.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 SSD 38881729, Development Consent – Key Sites, 25/06/21 (SSD 38881729) 	Stage 2 demolition and excavation works are being undertaken generally in accordance with Schedule 1 of SSD 38881729.	Compliant	
TERMS OF CONSENT					
A3	The development must only be carried out: (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Planning Secretary; (c) in accordance with the EIS, RtS and any RRFI; (d) in accordance with the approved plans in the table below: <i>(refer to table in the Consent Conditions)</i>	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 SSD 38881729 Site visit on 23/01/24 	The development is being carried out generally in accordance with the requirements of Condition A3 and the conditions of SSD 38881729, except for seven (7) non-compliances (NCs) as outlined in this table. Overall, the Auditors consider Condition A3 to be compliant.	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
A4	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and (b) the implementation of any actions or measures contained in any such document referred to in Condition A4(a).	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 	The Planning Secretary has not made any written directions during the Audit Period.	Not triggered	
A5	The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A3. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A3, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 	No inconsistencies, ambiguity or conflict have been identified.	Compliant	
LIMITS ON CONSENT					
A6	This consent will lapse five years from the date the consent is published on the NSW Planning Portal unless the works associated	<ul style="list-style-type: none"> Ramboll Independent Environmental Audit – SSD 7874 Harbourside Shopping Centre, Darling 	Assessed as not triggered in the prior audit period. Not applicable for this Audit Period.	Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	with the development have physically commenced.	Harbour, 29/08/23 (1st IEA)			
PRESCRIBED CONDITIONS					
A7	The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 	The Auditors have no reason to believe that the development has not complied with the relevant prescribed conditions of development consent under EP&A Regulation 2021, Part 4, Division 2, Subdivision 1 and this condition during the Audit Period, such as Conditions E2, E21.	Compliant	
PLANNING SECRETARY AS MODERATOR					
A8	In the event of a dispute between the Applicant and a public authority, in relation to a requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter will be binding on the parties.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Site visit on 23/01/24 	Mirvac advised that no disputes have occurred.	Not triggered	
LEGAL NOTICES					
A9	Any advice or notice to the consent authority must be served on the Planning Secretary at the Planning Secretary Address for Service.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Site visit on 23/01/24 	Mirvac advised that no advice or notices have been served.	Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
EVIDENCE OF CONSULTATION					
A10	Where conditions of this consent require consultation with an identified party, the Applicant must: (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and (b) provide details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	Refer to relevant Conditions as listed in findings column.	<p>The Applicant is required to consult following identified parties in relation to the specified consent condition requirements / documents:</p> <ul style="list-style-type: none"> • C5 - A detailed regime is to be prepared for consultation with TfNSW. Not triggered because TfNSW did not request a detailed regime. • D14 - The CCS for the development must identify people to be consulted during the design and construction phases. Completed during 1st IEA audit period. • D24(a) - The Applicant must consult with the relevant owner and provider of services that are likely to be affected by the development. Completed during 1st IEA audit period as no owners or provider of services reportedly affected by the development. • D27 - A final Construction Pedestrian and Traffic Management Plan (CPTMP) prepared in consultation with Council, TfNSW and the Sydney Light Rail Operator. Completed in this Audit Period. Refer to Condition D27 findings. • D31 - A Special Event Management Sub-Plan, prepared in consultation with PMNSW. Completed in this Audit Period. Refer to Condition D31 findings. • D49 - An unexpected finds protocol must be created including processes for notification and consultation with PMNSW and the Heritage Council. Refer to Condition D49 findings, which was considered compliant. • F2 - If damage caused by works associated with this consent is determined, the Applicant must rectify the damage in consultation with adjoining landowners to the satisfaction of the Certifier. Not triggered as Stage 2 works have not been completed. <p>Based on the available evidence, Condition A10 is considered compliant.</p>	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
OPERATION OF PLANT AND EQUIPMENT					
A11	All plant and equipment used on site, or to monitor the performance of the development must be: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	<ul style="list-style-type: none"> Delta Group, Harborside Site Induction Form, undated Delta Group, Harborside Site Induction, undated Delta Group, Plant and Equipment Register, 12/01/2024 Delta Group Operator Daily Plant Inspection Records, 23/01/24 Sighted Delta Group Scheduled Maintenance Report – Plant no. 32394, 23/01/24 Interview with Mirvac and Delta Group on 23/01/24 Site visit on 23/01/24 Delta Group, Inspection Test Plan – Site Dewatering, with attached Water Quality Register. Interview with Coates on 23/01/24 	<p>During the site inspection, the Auditors understand the site was under the control of Delta Group as the principal contractor onsite. Documentation has been provided to confirm equipment is maintained in a proper and efficient condition as well as records to confirm employees are trained and are required to hold the appropriate licences to operate plant and equipment. Mirvac also maintains a health and safety system (Hammertech) where they record documentation with Delta Group. Daily toolbox talks are also understood to be undertaken at the site.</p> <p>Daily and weekly checks of the dewatering treatment plant are conducted by Coates personnel.</p> <p>'Drain Wardens' or geotextile fabric were observed used in stormwater pits to filter and retain the sediment in the stormwater. They are reportedly inspected and replaced on a weekly basis, sometimes more frequently.</p> <p>The Auditors consider this condition is compliant.</p>	Compliant	
APPLICABILITY OF GUIDELINES					
A12	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.	<ul style="list-style-type: none"> SSD 38881729 	The Auditors have no evidence to indicate that the development is not being carried out in accordance with the guidelines referenced in the conditions of this consent.	Compliant	
A13	However, consistent with the conditions of this consent and	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 	The Planning Secretary has not required compliance with updated or revised versions of the referenced documents.	Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.				
MONITORING AND ENVIRONMENTAL AUDITS					
A14	<p>Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.</p> <p><i>Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation</i></p>		Noted	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<i>of the development to provide information on compliance with the consent or the environmental management or impact of the development.</i>				
INCIDENT NOTIFICATION, REPORTING AND RESPONSE					
A15	The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.	<ul style="list-style-type: none"> Delta Group, Incident Report Register, showing incidents between 30/10/23 to 7/02/24 Site visit on 16/01/24 (external only) Site visit on 23/01/24 Interviews with Mirvac and Delta Group on 16/01/24 and 23/01/24 SSD 38881729 Email from Mirvac to DPE, Harbourside Bulk Excavation Works SSD 38881729 Incident Notification (Clause A.15 and A.16), 19/01/24 Complaints Register Harbourside by Mirvac: July 2023, August 2023, September 2023, October 2023, November 2023, December 2023 and January 2024 	<p>The Delta Group Incident Report Register recorded two environmental incidents (note, not necessarily comprising an "incident" as defined under SSD 38881729), both being sediment releases, one on the 15/01/24 and a second on the 16/01/24.</p> <p><u>Sediment release on 15/01/24:</u></p> <p>According to the Complaints Register for 'December 2023 – January 2024', the Landowner (PMNSW) observed / perceived "sediment escape of from the site into Darling Harbour. The erected barriers for preventing this sediment escape are not working." However, the subsequent "investigation conducted on 15/01/24, coordinated with PMNSW and EPA confirmed the bloom of sediment [in Darling Harbour] is not related to the Harbourside project. PMNSW confirmed 15/01, the blooming was caused from sediment build-up in the Sydney Water drainage pipes (which run along Tumbalong Boulevard) from Railway Square. The discharge is a result of the rain with the discharge point of the pipes located in the areas between W Hotel and ICC."</p> <p>Mirvac notified PMNSW and the EPA on the day of the occurrence. The Department was notified four days later on 19/01/24. Mirvac stated in the notification to the Department that they considered "the reporting of this occurrence as marginal, given the minor nature of the ingress of sediment into Darling Harbour during the significant rain event" and "Reporting of the incident is as a precaution only – the occurrence is not an incident that would not [sic] cause material harm and therefore is not a non-compliance with</p>	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
			<p><i>conditions of consent</i>". The Auditors did not sight the sediment release on 15/01/24 and therefore, could not assess it. The Auditors accept Mirvac's position that it was not an "incident" as defined under SSD 38881729.</p> <p><u>Sediment release on 16/01/24:</u></p> <p>The second sediment release on 16/01/24 occurred when workers were cleaning and maintaining sediment controls on the western site boundary. A hose joint broke and a gush of water washed sediment towards and under the hoarding and into a street stormwater drain near Darling Drive roundabout. The discharge of sediment entrained water was observed by the Lead Auditor and Mirvac, who immediately raised the alarm with Delta Group and the discharge stopped a short while later. Delta Group estimated the discharge lasted approximately two minutes. The Auditors understand that Mirvac did not notify the Department as they did not consider the sediment release constituted an "incident" as defined under SSD 38881729.</p> <p>The Lead Auditor did not observe visible sediment in Darling Harbour during the site inspection on 16/01/24. Mirvac advised that they monitored Darling Harbour following the second release and did not observe further evidence of sediment emissions within the silt curtain.</p> <p>The Auditors accept Mirvac's position that the sediment releases did not involve "<i>actual or potential harm ... to the environment that is not trivial</i>" and therefore, notification was not required.</p>		
A16	Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.	<ul style="list-style-type: none"> Email from Mirvac to DPE, Harbourside Bulk Excavation Works SSD 38881729 Incident Notification (Clause A.15 and A.16), 19/01/24 	Although Mirvac considered that the sediment release on 15/01/24 did not comprise an "incident", they nevertheless submitted a written notification to the Department within seven days of the incident in accordance with the requirements set out in Appendix 1. As the sediment release on 15/01/24 was not considered to be an incident, Condition A16 is considered not triggered.	Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
NON-COMPLIANCE NOTIFICATION					
A17	The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.	<ul style="list-style-type: none"> Delta Group, Incident Report Register, showing incidents between 30/10/23 to 7/02/24 Site visit on 16/01/24 (external only) Site visit on 23/01/24 Interviews with Mirvac and Delta Group on 16/01/24 and 23/01/24 1st IEA Mirvac, Harbourside Independent Audit Stage 2.pdf, Compliance with SSD 38881729, Stage 2 – Harbourside Shopping Centre Development (Response to Audit Recommendations (RAR)) Refer to Condition A15 Evidence 	<p>Following the 1st IEA, Mirvac advised that the Department was notified of the non-compliances which were identified in the 1st IEA. Based on the documentation provided, the Auditors understand that the notification comprised the RAR that was submitted with the final Independent Audit Report for the 1st IEA. The RAR was submitted within seven days of Mirvac receiving the final Independent Audit Report. Mirvac advised that in their opinion, no other non-compliances had occurred during the Audit Period to their knowledge.</p> <p>There were two releases of sediment to Darling Harbour and/or the street stormwater system during the Audit Period on 15/01/24 and 16/01/24, as discussed in the Condition A15 findings. Mirvac notified the Department of the 15/01/24 sediment release on 19/01/24 indicating that Mirvac did not consider it comprised an "incident" or "<i>a non-compliance with conditions of consent</i>".</p> <p>Mirvac did not notify the Department of the 16/01/24 sediment release because it occurred during the process of maintaining the sediment controls and was of a short duration with an impact to the environment that was considered trivial. Refer to Condition E26 for further discussion of the sediment and erosion controls and the sediment releases.</p> <p>Based on the available evidence, the Auditors consider that Condition A17 was compliant during the Audit Period.</p>	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
A18	The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	<ul style="list-style-type: none"> Refer to Condition A17 Evidence 	The RAR generally meets the requirements of Condition A18. As discussed in the findings for Condition A17, Mirvac were of the view that the 15/01/24 and 16/01/24 sediment releases were not non-compliances with a condition of consent.	Compliant	
A19	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	<ul style="list-style-type: none"> Refer to Condition A17 Evidence 	The Department was notified of the 15/01/24 sediment release on 19/01/24.	Compliant	
COMPLIANCE					
A20	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	<ul style="list-style-type: none"> Interview with Mirvac and Delta Group on 23/01/24 Site visit on 23/01/24 Delta Group, Harborside Site Induction, undated Delta Group, Harborside Site Induction Form, undated 1st IEA 	<p>During the 1st IEA, the Auditors identified the Delta Group Site Induction did not make reference to the Development Consent (SSD 38881729) and address stormwater protection and controls to prevent water pollution and recommended an update to this.</p> <p>During this Audit Period, Delta Group were aware of the consent conditions during the site visit and advised that subcontractors became aware during induction training. An updated copy of the induction presentation was provided. Whilst it does not specifically refer to the Consent Conditions or SSD 38881729, it is fairly comprehensive and covers a number of consent condition requirements including, but not limited to, hours of work, respite periods, noise mitigation, dust mitigation and unexpected finds protocol. The Auditors note this has been updated to explicitly address stormwater protection and controls to prevent water pollution.</p>	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
			<p>Overall, Condition A20 is considered compliant. However, the site induction could be improved to make reference to the Development Consent (SSD 38881729).</p> <p>Recommendation: Consider improving the site induction to include reference to the Development Consent (SSD 38881729).</p>		
REVISION OF STRATEGIES, PLANS AND PROGRAMS					
A21	<p>Within three months of:</p> <p>(a) the submission of a compliance report under this consent;</p> <p>(b) the submission of an incident report under this consent;</p> <p>(c) the submission of an Independent Audit under this consent;</p> <p>(d) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or</p> <p>(e) the issue of a direction of the Planning Secretary under this consent which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.</p>	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm 	<p>The Department was not notified in writing that a review was being carried out within three months of the submission of the 1st IEA Independent Audit Report.</p> <p>Following factual review, Mirvac advised that they considered their RAR to the 1st IEA, in which they indicated that they would update specific management plans, including the CEMP and the Special Events Management Plan, met the Condition A21 requirement to notify the Department in writing that a review of strategies, plans and programs will be carried out following the submission of an Independent Audit. On review, the Auditors accept that the RAR, which was submitted to the Department with the Independent Audit Report, could be considered as meeting the notification requirement. On this basis, Condition A21 is considered compliant.</p>	Compliant	
A22	<p>If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning</p>	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 	<p>There has been no requirement to improve environmental performance, cater for a modification or comply with a direction during the Audit Period.</p>	Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.</p> <p><i>Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.</i></p>				
PROTECTION OF TfNSW INFRASTRUCTURE AND SYDNEY LIGHT RAIL OPERATION					
A23	The Applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of the Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor.	<ul style="list-style-type: none"> • Interview with Mirvac on 23/01/24 • 1st IEA 	<p>During the 1st IEA, the Auditors found the agreement to comply with the policies, rules and procedures to be compliant. Mirvac has advised no changes to the policies rules and procedures have been made during this Audit Period.</p> <p>Mirvac advised that whilst they accessed the corridor on two occasions to inspect electrical pits, the work was not related to the development. The Auditors have no reason to believe that the development has not complied with Condition A23 requirements.</p>	Compliant	
A24	The Applicant must comply with the requirements of T HR CI 12090 ST Airspace and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads – Interim Guidelines.	<ul style="list-style-type: none"> • Interview with Mirvac on 23/01/24 • 1st IEA 	Mirvac advised that the development remained compliant with the requirements of Condition A24. The Auditors have no reason to believe that the development has not complied with Condition A24 during the Audit Period.	Compliant	
A25	Activities of the Applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the Applicant, Transport for NSW (TfNSW), Altrac	<ul style="list-style-type: none"> • Interview with Mirvac on 23/01/24 	Mirvac advised there have been no activities which have affected or restricted Sydney Light Rail operations.	Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	and the Sydney Light Rail Operator. Such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum, the proposed duration, location, scope of works and other information as required by the Sydney Light Rail Operator.				
A26	The Applicant must apply to Altrac and the Sydney Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum, the proposed shutdown dates, duration, location, scope of works and other information as required by the Sydney Light Rail Operator. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 	Mirvac have advised there have been no required network shutdowns during this Audit Period.	Not triggered	
A27	The Applicant must provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Site visit on 23/01/24 	Mirvac have advised that safe and unimpeded access is maintained through the use of hoarding to separate the site and pedestrian pathways. The Auditors observed the hoarding during the site visit.	Compliant	
A28	TfNSW, and persons authorised by it for this purpose, as entitled to inspect the site of the approved development and all structures to enable it to consider whether those	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 	Mirvac have advised that fortnightly meetings with TfNSW, Transdev and Place Management NSW (PMNSW) are undertaken to discuss the current development of the site. PMNSW also undertake a monthly site visit and Mirvac provides access for this.	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.		The Auditors consider this Condition to be compliant.		
A29	All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the Applicant.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 	Mirvac have advised no costs have been incurred during this Audit Period.	Not triggered	
Part B – Remediation Works					
WORK HEALTH SAFETY MANAGEMENT PLAN					
B1	Prior to the commencement of remediation works, a Work Health Safety Management Plan must be prepared by the Remediation Contractor and submitted to the Certifier for information and be implemented throughout the duration of remediation works.	<ul style="list-style-type: none"> Interview with Mirvac and JBS&G on 12/02/24 JBS&G Australia Pty Ltd (JBS&G), Remedial Action Plan, Harbourside Shopping Centre Redevelopment, 03/05/22, Rev 0 (RAP) Delta Group, Safety Management Plan, Rev R0, 02/05/23 (SMP) Letter from Senversa to Mirvac, Re: Review of Interim Validation Advice 01 – Harbourside Development Site Interim Audit Advice No 3. – 2-10 Darling Drive, Sydney 	<p>Mirvac and JBS&G advised in the 1st IEA remediation works had not commenced but the Unexpected Finds Protocol (UFP) had been implemented but was not considered to be remediation works.</p> <p>The Auditors understand that the Remediation Contractor responsible for the bulk excavation works is Delta Group. An unsigned / unapproved copy of their Safety Management Plan (SMP), dated 02/05/23, which was prior to commencement of Stage 2 works, was provided for review, although a signed version was sighted in the site office during the site visit. It is a detailed SMP. It considers hazards arising from exposure to asbestos. However, it does not explicitly identify the potential hazards arising from the site remediation works and their controls.</p> <p>Mirvac's RAR indicated that they disagreed with the Auditor's recommendation because asbestos was clearly identified as a hazard in the SMP and UFP. Whilst that is true, as previously</p>	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>NSW, 01/12/23 (IAA No.3)</p> <ul style="list-style-type: none"> • RAR • General Correspondence between Mirvac and McKenzie Group, SSDA1 CC2 - Condition B1 - Work Health and Safety Management Plan, 08/09/23 and 14/09/23 • Site visit on 23/01/24 	<p>noted, the SMP did not consider the other Chemicals of Potential Concern identified in the RAP, being Heavy Metals, Phenols, Total Recoverable Hydrocarbons (TRH), Volatile Organic Compounds (VOCs) and Polycyclic Aromatic Hydrocarbons (PAHs), which could present a hazard to the remediation workers. The SMP provided was the original Version R0 dated 03/05/23, indicating that it was not updated during the Audit Period.</p> <p>Based on IAA No. 3, the Auditors understand remediation commenced with bulk excavations and off-site disposal of fill.</p> <p>Mirvac submitted a copy of the SMP to the Certifier on 08/09/23.</p> <p>An authorised version of the SMP as well as evidence of Delta Group workers accepting the SMP was observed at the Delta Group site office during the site inspection.</p> <p>The Auditors accept that asbestos in soil was the primary health and safety hazard for remediation workers and the SMP addressed this hazard, as least in respect of health monitoring of workers. On this basis the SMP is considered compliant with Condition B1 requirements. However, it does not refer to the RAP requirement to conduct perimeter asbestos in air monitoring during asbestos removal works (RAP, Section 8.2.2), or to consider other hazards presented by potentially contaminated material (RAP, Section 8.2.3).</p> <p>Recommendation: Review and revise the Safety Management Plan or prepare a separate Work Health Safety Management Plan to identify potential hazards arising from the remaining site remediation works and their controls. The Safety Management Plan should meet the objectives outlined in Sections 8.2.1, 8.2.2 and 8.2.3 of the RAP.</p>		

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
REMEDIATION – SITE AUDITOR					
B2	Prior to the commencement of any earthwork or remediation works, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the Contaminated Land Management Act 1997, has been appointed to independently review the implementation and validation of the remediation works.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 IAA No. 3 S18965_002_IAA No.2_Rev0.pdf, Letter from Senversa to Mirvac, Re: Review of Detailed Site Investigation and Remedial Action Plan, Interim Audit Advice No 2. – 2-10 Darling Drive, Sydney NSW, 06/05/22 (IAA No.2 Rev0) <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm DPE email to Mirvac, Harbourside Bulk Excavation Works - Post Approval Document Received - (SSD-38881729-PA-10), 24/10/23, with attached 'Post Approval Form_20231024010743.pdf' 	<p>The 1st IEA recommended as an opportunity for improvement that Mirvac submit the appointment of the Site Auditor to the Department prior to commencement of earthworks or remediation works. Documentation has not been provided to show that evidence of the Site Auditor's engagement was submitted to the Department.</p> <p>Following factual review, Mirvac provided documentation indicating that Mirvac had submitted evidence confirming the engagement of Senversa Pty Ltd in accordance with Condition B2 on 24/10/23. The Department requested further information about the Site Auditor, including her name, accreditation and independence, to "fulfil the requirements of the condition", which Mirvac provided to the Department on 07/11/23.</p> <p>The Site Auditor's Site Audit Notification was issued on 02/03/23, indicating she had been engaged well before earthwork or remediation works commenced.</p> <p>The Auditors requested Mirvac to advise when earthworks or remediation works commenced but they did not respond. The 'Community update – October 2023' indicated that commencement of bulk excavation, being earthwork, commenced in September 2023. Therefore, the evidence of engaging the Site Auditor was not submitted to the Department until after the earthworks commenced, which is considered non-compliant. No recommendation is made.</p>	Non-compliant	NC1

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> • Post Approval Form_20231107063502.pdf • DPE email to Mirvac, Harbourside Bulk Excavation Works - Post Approval Document Received - (SSD-38881729-PA-10), 24/10/23, with attached 'Post Approval Form_20231107063502.pdf', 'Post Approval Form_20231024010743.pdf' • Post Approval Form_20231107063502.pdf, with attached: <ul style="list-style-type: none"> ○ 18956_SAN_MP192.pdf ○ 18965_SAN COI_MP192.pdf (not provided) ○ Melissa Porter_Nov20_Redevelopment.pdf ○ Tab 2 - Melissa Porter - Notice of accreditation - 3 July 2021.PDF • 20231001_Harbourside_Monthly Newsletter_October.pdf, Redevelopment of Harbourside Shopping 			

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Centre, Community update – October 2023			
B3	The Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the Contaminated Land Management Act 1997.	<ul style="list-style-type: none"> Remedial Action Plan prepared by JBS&G, Rev 0, 03/05/22 Site visit on 23/01/24 Interview with Mirvac on 23/01/24 Interview with Mirvac and JBS&G on 12/02/24 IAA No.3 AMR009: Airborne Asbestos Fibre Monitoring Report prepared by JBS&G, 16/11/23 AMR010: Airborne Asbestos Fibre Monitoring Report prepared by JBS&G, 11/01/24 L049: Asbestos Clearance Certificate – Borehole BH04 Report prepared by JBS&G, 15/12/23 L039: Asbestos Clearance Certificate – Unexpected Finds UF02A and UF02B Report, 13/11/23 	IAA No. 3 indicated that the Site Auditor reviewed "L047: Basement Interim Validation Advice 01 – Harbourside Development Site, Sydney, NSW' dated 21 November 2023 by JBS&G. (JBS&G 2023 or Interim Validation Advice)". Based on review of the Interim Validation Advice, the Sute Auditor considered that "The remediation works completed to date within the Basement Extent (implementation of the unexpected asbestos finds protocol, classification of waste and in-situ VENM classification) were generally conducted in accordance with the RAP". On this basis, the Auditors consider that the remediation works have been undertaken generally in accordance with the RAP.	Compliant	
REMEDIATION – INTERIM ADVICE LETTER					
B4	Upon completion of the remediation works and prior to the issue of a construction certificate associated with the raft slab (excluding building work directly related to remediation), a Letter of Interim Advice must be obtained from a	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 IAA No.3, 01/12/23 Post Approval Form_20231211000109.pdf, SSD-38881729-PA-12, Post Approval – 	IAA No. 3 was issued by the Site Auditor on 01/12/23 and confirmed, on the basis of the Interim Validation Advice, that the remediation works completed to date within the Basement Extent were generally in accordance with the RAP and that the Site Auditor agreed "that the site can be made suitable for the proposed use following ongoing implementation of the RAP". However, the Site Auditor noted	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>NSW Environment Protection Authority accredited Site Auditor and submitted to the Planning Secretary for information. The Letter of Interim Advice must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that the site can be made suitable for the proposed use.</p> <p>(a) In circumstances where the Letter of Interim Advice is subject to conditions that require ongoing review by the Auditor or the Planning Secretary, these must be reviewed and approved by the Planning Secretary before the Letter of Interim Advice is issued.</p> <p>(b) In circumstances where the Letter of Interim Advice includes conditions and those conditions are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of the Planning Secretary (such as via a s4.55 modification of the consent pursuant to the provisions of the Environmental Planning & Assessment Act 1979).</p>	<p>Letter of Interim Audit Advice dated 11/12/23</p> <ul style="list-style-type: none"> DPE email to Mirvac, Harbourside Bulk Excavation Works - Interim Audit Advice, 15/12/23 General Correspondence between Mirvac and McKenzie Group, SSDA1 CC2 - Condition B1 - Work Health and Safety Management Plan, 08/09/23 and 14/09/23 McKenzie Group, Construction Certificate No. 211836/02,19/01/24 (CC2) 	<p><i>“that further information satisfying the RAP and validation reporting requirements will be provided in a future Validation Report”</i>. The Auditors understand that whilst ongoing review by the Site Auditor is required, which is typical of the remediation process, that review does not comprise a ‘condition’ in the context of the Condition B4(a) requirement. The Site Auditor appeared satisfied that the documentation to be provided in the Final Validation Report (e.g. imported material certification) would not prevent the site being made suitable for the proposed use following ongoing implementation of the RAP.</p> <p>Mirvac submitted IAA No. 3 to DPE on 11/12/23, acknowledged on 15/12/23, which was prior to issue of CC2, which the Auditors understand is the construction certificate associated with the raft slab.</p> <p>Based on the available information, Condition B4 is considered compliant.</p>		
REMEDIATION – REMEDIAL ACTION PLAN					
B5	The Applicant must remediate and validate the site in accordance with the specifications and requirements detailed in the Remedial Action Plan	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Interview with Mirvac and JBS&G on 12/02/24 	Remediation works commenced during the Audit Period and are being carried out under the supervision of JBS&G, being a suitably qualified and experienced consultant.	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>prepared by JBS&G dated 3 May 2022, reference number 62851/145112 and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW EPA accredited Site Auditor Senversa dated 6 May 2022, reference Interim Advice 2. All remediation work carried out shall be conducted in accordance with the guidelines in force under the Contaminated Land Management Act 1997. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).</p> <p>Any new information which comes to light during remediation, demolition and construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Planning Secretary, the Site Auditor and the Principal Certifier.</p> <p>Any variations to the approved Remedial Action Plan must be approved in writing by the Site Auditor and the Planning Secretary prior to the commencement of such work.</p>	<ul style="list-style-type: none"> Remedial Action Plan prepared by JBS&G, Rev 0, 03/05/22 S18965_002_IAA No.2_Rev0.pdf, Letter from Senversa to Mirvac, Re: Review of Detailed Site Investigation and Remedial Action Plan, Interim Audit Advice No 2. – 2-10 Darling Drive, Sydney NSW, 06/05/22 (IAA No.2 Rev0) S18965_002_IAA No.2_Rev1.pdf, Letter from Senversa to Mirvac, Re: Review of Detailed Site Investigation and Remedial Action Plan, Interim Audit Advice No 2. – 2-10 Darling Drive, Sydney NSW, 30/09/22 (IAA No.2 Rev1) IAA No.3 <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsxm 	<p>Mirvac advised there has been no new information as identified by their environmental consultant which has altered the previous conclusions about site contamination.</p> <p>No variations of the RAP have occurred during this Audit Period. However, it became apparent on review of IAA No.3 and IAA No.2 Rev1, that the RAP was varied and reissued on 28/09/22. IAA No.2 Rev1 indicates that the revised RAP was submitted to the Site Auditor and that the Site Auditor was satisfied that the comments provided in IAA No.1 regarding the Detailed Site Investigation and the RAP had been adequately addressed. The Auditors have not been provided with the 28/09/22 version of the RAP or evidence that the 28/09/22 version of the RAP was submitted to and approved in writing by the Planning Secretary.</p> <p>Following factual review, Mirvac noted that the RAP was revised prior to the determination of SSD 38881729, and therefore, the revision of the RAP is not relevant to the requirements of Condition B5, SSD 38881729.</p> <p>Mirvac also provided a different and later version of the CEMP, being CEMP Rev E, 13/12/23. CEMP Rev E, 13/12/23 includes the later version of the RAP, RAP, Rev 1, 28/09/22. The Auditors accept Mirvac’s position and therefore, Condition B5 is considered compliant. The Auditors instead recommend an opportunity for improvement.</p> <p>Recommendation: If it has not already been done, submit the 28/09/22 version of the RAP to the Planning Secretary for approval in writing.</p>		

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<ul style="list-style-type: none"> Mirvac, Construction & Environmental Management Plan, Rev E, 13/12/23 (CEMP Rev E, 13/12/23), with attached Appendix N: JBS&G, Remedial Action Plan, Rev 1, 28/09/22 (RAP, Rev 1, 28/09/22) 			
REMEDIATION – VALIDATION REPORT					
B6	<p>Within one month following the completion of the remediation works for the development, a Remediation Validation Report (RVR) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the Contaminated Land Management Act 1997.</p>	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Interview with Mirvac and JBS&G on 12/02/24 	Mirvac advised that remediation works have not been completed on site.	Not triggered	
REMEDIATION – UNEXPECTED FINDS PROTOCOL					
B7	<p>Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be</p>	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as completed during the 1 st IEA.	Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	followed in the event unexpected finds of contaminated material are encountered during works.				
Part C – Prior To The Issue Of A Construction Certificate					
LONG SERVICE LEVY					
C1	Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit https://www.longservice.nsw.gov.au/bci/levy/about-the-levy .	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA.	Not triggered	
STRUCTURAL DETAILS					
C2	Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with: <ul style="list-style-type: none"> (a) the relevant clauses of the NCC; and (b) this development consent. 	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA.	Not triggered	
SITE STABILITY AND CONSTRUCTION WORK					
C3	Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a report	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA.	Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>obtained from a suitably qualified and experienced professional engineer/s, which includes the following:</p> <p>(a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land</p> <p>(b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings</p> <p>(c) details to demonstrate that the proposed methods of support and construction in relation to the bulk excavation and demolition works that are the subject of this consent are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration</p> <p>(d) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout building work</p> <p>(e) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises</p>				

Table A: Compliance with SSD 38881729, Stage 2					
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	(including any public roadway or public place).				
SYDNEY WATER ASSETS					
C4	<p>Prior to the issue of the first Construction Certificate, the approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.</p> <p><i>Note: Sydney Water's Tap in™ in online service is available at: https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm</i></p>	<ul style="list-style-type: none"> 1st IEA 	<p>This Condition was assessed as compliant during the 1st IEA.</p> <p>During this Audit Period, the Auditors have found no evidence to suggest that work is not being carried out in accordance with the requirements of the Sydney Water Corporation.</p>	Compliant	
REVIEW OF DOCUMENTATION					
C5	<p>Prior to the issue of the first construction certificate, upon the request of TfNSW, a detailed regime is to be prepared for consultation with and approval by TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural</p>	<ul style="list-style-type: none"> 1st IEA 	<p>This Condition was assessed as not triggered and completed during the 1st IEA.</p>	Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	certification in the form required by TfNSW.				
SYDNEY TRAINS REQUIREMENTS					
C6	Prior to the issue of the first construction certificate, the Applicant must prepare detailed design which consider the location of the High Voltage Cable (33kv) to ensure it is not damaged at any stage and to comply with the relevant safety requirements.	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA.	Not triggered	
ELECTROLYSIS ANALYSIS					
C7	Prior to the issue of the first construction certificate, the Applicant is to engage an Electrolysis Consultant to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate all measures recommended in the report into the approach to construction to control that risk. A copy of the report is to be provided to the Principal Certifying Authority (PCA) with the application for the relevant construction certificate.	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA.	Not triggered	
HERITAGE ITEM PROTECTION STRATEGY					
C8	Prior to the issue of any construction certificate, a Protection Strategy for the duration of construction works is to be approved by HNSW (or its delegate). The Protection Strategy must detail how the proposed	<ul style="list-style-type: none"> Harbourside: Heritage Protection Strategy prepared by Mirvac, undated 1st IEA RAR 	During the 1 st IEA the Auditors assessed this condition as compliant with the recommendation to revise the Heritage Protection Strategy to include a Geotechnical Report with approval from PMNSW.	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>works will ensure that the Pymont Bridge and Woodward Water Feature is to be suitably protected and stabilised during the construction process, including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage</p> <p>Additionally, the Protection Strategy is to include, depending on the nature and extent of the works:</p> <p>(a) temporary hydraulic drainage works to ensure that all water (in ground and above ground) is channelled to the street and that no water is channelled onto adjacent fabric or interiors</p> <p>(b) construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress</p> <p>(c) a Geotechnical Report detailing the investigation of the location and depth of footings of the adjacent buildings. The report must address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the locations of footings and on the suitability of structural engineer’s proposals for</p>	<ul style="list-style-type: none"> Douglas Partners, Report on Geotechnical Investigation, Harbourside Redevelopment, 2 – 10 Darling Drive, Darling Harbour, 06/02/23 <p>Following factual review:</p> <ul style="list-style-type: none"> McKenzie Group, Building Inspection Report, 1. Before placing a footing (Class 2-9), 23/06/23 	<p>Mirvac’s RAR indicated that a “<i>Geotechnical Report has been approved by PMNSW</i>”. The Heritage Protection Strategy was not revised as recommended.</p> <p>Mirvac provided a Geotechnical Report but the Auditors have not been provided with evidence of HNSW/PMNSW’s approval of the Geotechnical Report in the context of the Heritage Protection Strategy. The Auditors reviewed the Geotechnical Report and consider that it does not detail an investigation of the location and depth of footings of the adjacent buildings. It does address requirements for the provision of lateral support during construction and permanent lateral support by floor slabs. It also suggested ground anchors for lateral restraint of perimeter piled walls and that it would be necessary to obtain permission from neighbouring landowners prior to installing anchors that extend beyond the perimeter of the site. The Auditors consider that the Geotechnical Report provided does not meet the intended requirements of Condition C8(c) for the purpose of ensuring that the Pymont Bridge and Woodward Water Feature are suitably protected and stabilised during the construction process. Instead, the Heritage Protection Strategy relies on vibration monitoring in the vicinity of Pymont Bridge. Protection of the Woodward Water Feature is not discussed, possibly because it is further away from the site boundary.</p> <p>Following factual review, Mirvac provided the Certifier’s Building Inspection Report, ‘1. Before placing a footing (Class 2-9)’, which required that Mirvac provide the following documentation:</p> <ul style="list-style-type: none"> Certification to be provided from the Geotechnical Engineer that the footings do not adversely impact neighbouring properties or a property in close proximity through subsidence, changes to the water table. 		

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	underpinning or other support to adjacent footings (d) details of the proposed protection of party walls from damp and water ingress during the works.		<ul style="list-style-type: none"> • Certification to be provided from the geotechnical engineer that the structure does not impose loads which the structure of any adjoining property was not designed to accommodate or introduce any hazard that did not pre-exist in the adjoining property. <p>Based on the available documentation, the Auditors are unable to verify that the Heritage Protection Strategy will adequately protect the Pymont Bridge and Woodward Water Feature. For this reason, the Auditors' opportunity for improvement recommendation remains.</p> <p>Recommendation: Review and revise the Heritage Protection Strategy to include a Geotechnical Report that meets the requirements of Condition C8(c) or alternatively provide a statement from a Geotechnical Engineer, that the Heritage Protection Strategy and the Geotechnical Report (Douglas Partners, 06/02/23) satisfy Condition C8(c) requirements for the purpose of ensuring that the Pymont Bridge and Woodward Water Feature will be suitably protected and stabilised for the remainder of the construction process. Submit the revised Heritage Protection Strategy and/or Geotechnical Engineer's statement to PMNSW for approval.</p>		
Part D – Prior To The Commencement of Works					
NOTIFICATION OF COMMENCEMENT					
D1	The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.	<ul style="list-style-type: none"> • 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA in relation to commencement of physical work. Operation of the site has not commenced.	Not triggered	
D2	If the construction or operation of the development is to be staged, the Department must be notified in	<ul style="list-style-type: none"> • 1st IEA 	This Condition was assessed as not triggered during the 1 st IEA.	Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.		Mirvac have advised that no works as part of this SSD are to be staged.		
ACCESS TO INFORMATION					
D3	At least 48 hours before the commencement of any works and until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must: (a) make the following information and documents (as they are obtained or approved) publicly available on its website: (i) the documents referred to in Condition A3 of this consent; (ii) all current statutory approvals for the development; (iii) all approved strategies, plans and programs required under the conditions of this consent; (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent; (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 https://harboursidecommunity.mirvac.com/community-information RAR Mirvac, Construction & Environmental Management Plan, Rev L, 28/08/23 (CEMP Rev L, 28/08/23) Website Snapshot (CEMP Rev K).pdf, 13/02/24 <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 – Stage 2, Audit 2 – Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm Mirvac, Construction & Environmental Management Plan, Rev E, 13/12/23 (CEMP Rev E, 13/12/23) 	<p>The 1st IEA found that Condition D3 was non-compliant because the following information and documents were not publicly available:</p> <ul style="list-style-type: none"> (i) documents referred to in Condition A3 of this consent (ii) current statutory approval (iii) all approved strategies, plans and programs (v) monitoring results as specified in the consent, including a summary of vibration and dust monitoring results. <p>The RAR indicated that required documentation was added to the Harbourside Community Website.</p> <p>On review of the Harbourside Community Website, the Auditors observed the following remaining gaps in documentation:</p> <ul style="list-style-type: none"> (i) documents referred to in Condition A3(c) of this consent, specifically the “EIS, RtS and any RRFI” (iii) all approved strategies, plans and programs, that are not included in the CEMP (i.e. CEMP Rev L, 28/08/23), including but not limited to, the Community Communication Strategy (CCS), RAP, Site Security Management Plan (SSMP), Acid Sulfate Soil Management Plan (ASSMP) and Dewatering Management Plan (DMP), including a Groundwater Monitoring Plan (GWMP). The Auditors noted that CEMP Rev L, 28/08/23 was not initially available (only Rev K was available) but it was subsequently updated. (v) Monitoring data (or a comprehensive summary of the monitoring results) was not publicly available for the 	Non-compliant	NC2

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(vi) a summary of the current stage and progress of the development; (vii) contact details to enquire about the development or to make a complaint; (viii) a complaints register, updated monthly; (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report; (x) any other matter required by the Planning Secretary; and (b) keep such information up to date, to the satisfaction of the Planning Secretary. (c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.		Audit Period including noise monitoring data, dewatering quality monitoring and vibration monitoring data (since 04/09/23). <ul style="list-style-type: none"> (vii) a complaints register for July 2023 was not available but the complaints register for June 2023 was duplicated. This was subsequently rectified. (ix) Mirvac's RAR for the 1st IEA is not available. Condition D3 is non-compliant due to the above gaps in documentation. Following factual review, Mirvac provided a different and later version of the CEMP, being CEMP Rev E, 13/12/23. CEMP Rev E, 13/12/23 includes the majority of approved strategies, plans and programs required under the conditions of this consent except for the CCS and DMP/GWMP. The Auditors note that Mirvac's RAR for the 1 st IEA is now publicly available and Mirvac's website includes a link the Department's "Major Project Website" for SSD 38881729 that includes documents referred to in Condition A3(c). However, CEMP Rev E, 13/12/23 is not publicly available and therefore, the website is not up to date. Recommendation: Update the Harbourside Community Website to include CEMP Rev E, 13/12/23, the Community Communication Strategy and Dewatering Management Plan, including a Groundwater Monitoring Plan, and a more complete comprehensive summary of the monitoring results. Implement a procedure (e.g. a checklist for monthly review) to ensure all required documentation is uploaded to the website and kept up to date.		
UTILITIES AND SERVICES					
D4	Prior to the construction of any utility works associated with the development, the Applicant must	<ul style="list-style-type: none"> 1st IEA 	Mirvac advised that approval had been sought from Sydney Water in relation to the sewer but the approval was not issued during this Audit Period.	Not triggered	

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	obtain relevant approvals from service providers. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 			
D5	Prior to the commencement of any works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA.	Not triggered	
DIAL BEFORE YOU DIG SERVICE					
D6	<p>Prior to the commencement of any excavation on or near the site, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services or rail services.</p> <p>Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.</p>	<ul style="list-style-type: none"> 1st IEA Interview with Mirvac and Delta Group on 23/01/24 	<p>This Condition was assessed as compliant during the 1st IEA.</p> <p>Delta Group advised that on site copies of the Dial Before you Dig Service are updated monthly.</p>	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
SURVEY CERTIFICATE					
D7	The Applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence to the Planning Secretary of the Surveyor-General's authorisation to remove or replace marks.	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as not triggered and completed during the 1 st IEA due to the absence of Permanent Survey Marks within the area of the development.	Not triggered	
D8	While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier – (a) All footings/ foundations (b) At other stages of construction – any marks that are required by the principal certifier.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 McKenzie Group, Building Inspection Report, 1. Before placing a footing (Class 2-9), 23/06/23 <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 25/03/24, with attached: Copy of IEA Findings and Recommendations 	<p>Mirvac advised that the Certifier visited the site during this Audit Period to inspect a pile/footing; however, no survey plan measuring and marking the positions of all footings / foundations related to the building work has been provided to the Certifier during this Audit Period.</p> <p>Following factual review, Mirvac advised that <i>"Mirvac has installed piles which are set-out by the surveyor as per the design. We have not completed any footings to date. Mirvac do not believe this should be non-compliant as the certifier witnessed the install of the first pile as required and will be provide[d] as-builts of all works related to foundations/footings once substantial work has been completed. Mirvac don't believe the certifier will require each individual element that has been set out ... to be issued to them as this will be required daily then."</i></p> <p>The Auditors accept that frequent surveys while building work is being carried out may not be required in accordance with Condition D8. However, the Auditors consider that surveys should be conducted <i>"while building work is carried out"</i>, as opposed to at completion or near completion, and as required by the Certifier. On this basis, the Auditors consider Condition D8 to be compliant but make an opportunity for improvement recommendation.</p>	Compliant	

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		Table_Stage 2_Audit 2_D2_25 Mar 2024.xlsx	Recommendation: Request the Certifier to advise how frequently the footings/foundations and any other marks required by the Certifier should be measured and marked by a registered surveyor while building work is conducted. Carry out the surveys in accordance with the Certifier's advice.		
D9	Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries.	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA.	Not triggered	
WORKS AND STRUCTURES OVER A PUBLIC ROAD					
D10	Prior to the commencement of works, evidence that the relevant approvals have been obtained under Section 138 of the Roads Act 1993 must be submitted to the Planning Secretary, Place Management NSW and Certifying Authority. This include approvals to erect a hoarding and/or scaffolding on or above a public road or footpath, barricade a public road or in order to obtain a road occupancy licence.	<ul style="list-style-type: none"> 1st IEA Interview with Mirvac on 23/01/24 	This Condition was assessed as not triggered during the 1 st IEA. Mirvac advised that Condition D10 remained not triggered during this Audit Period.	Not triggered	
NO OBSTRUCTION OF THE PUBLIC DOMAIN WIHTOUT APPROVAL					
D11	At least 8 weeks prior to the commencement of works, a Work Zone Permit must be sought and issued by Place Management NSW or the relevant roads authority to allow any obstructions of the public	<ul style="list-style-type: none"> 1st IEA Interview with Mirvac on 23/01/24 	This Condition was assessed as not triggered during the 1 st IEA. Mirvac has advised that Condition D11 remained not triggered during this Audit Period.	Not triggered	

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	way, footpaths, road reserves and the like, by any mobile cranes, materials, vehicles, refuse, skips, loading and unloading or the like. Where supported by the relevant authority, the Work Zone Permit should be given for the shortest possible time, so as to not restrict movement or use of the public domain. Consideration should be given to issuing the permit for a specific time period(s) or specific works. Pedestrian access along the Darling Harbour foreshore must be maintained at all times during the works.				
WORKS DEED/AGREEMENTS					
D12	Prior to the issue of any preparatory, demolition or excavation works, whichever is the earlier, upon the request of TfNSW, Works Deed(s) between the Applicant, TfNSW and/or Altrac and the Sydney Light Rail Operator must be agreed to and executed by the parties. These agreements may deal with matters including, but not limited to: (a) Sydney Light Rail operational requirements (b) Sydney Light Rail access requirements (c) Altrac and Sydney Light Rail Operator policies, rules and	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA.	Not triggered	

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	<p>procedures compliance requirements</p> <p>(d) Indemnities and releases</p> <p>(e) Security of costs</p> <p>(f) Insurance requirements and conditions</p> <p>(g) TfNSW, Altrac and the Sydney Light Rail Operator’s recovery of costs from the Applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdowns/power outages costs including alternative transport, customer communications, loss of revenue, risk assessments and configurations change processes etc)</p> <p>(h) Interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface</p> <p>(i) Infrastructure Assess Deed Poll and Safety Interface Agreement between the Applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Pre and post construction dilapidation reports • The need for track possessions 				

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	<ul style="list-style-type: none"> • Review of the machinery to be used during excavation/ground penetration/construction works • The need for track monitoring • Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS) • Endorsement of plans regarding proposed craneage and other aerial operations • Erection of scaffolding/hoarding • Light Rail Operator’s rules and procedures; and • Alteration of rail assets such as the overhead wiring along of track and associated hoarding demarcation system, if undertaken by the Applicant. <p>(i) Altrac and the Sydney Light Rail Operator’s reviews and impact assessment of the Applicant’s proposal, engineering design and construction works methodology on Sydney Light Rail Operation and assets</p> <p>(j) Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about and/or below the Sydney Light Rail Corridor</p> <p>(k) Arrangements for shutdowns and Sydney Light Rail restricted</p>				

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	operations related costs attributed to the Applicant, and (l) Sydney Light Rail site works access approval and access permit to work.				
COMMUNITY COMMUNICATION STRATEGY					
D13	Before the commencement of works, the Applicant must update the Community Communication Strategy (CCS) for the development to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA.	Not triggered	
D14	The CCS for the development must: (a) identify people to be consulted during the design and construction phases; (b) set out procedures and mechanisms for the regular distribution of accessible	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA.	Not triggered	

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	<p>information about or relevant to the development;</p> <p>(c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;</p> <p>(d) set out procedures and mechanisms:</p> <ul style="list-style-type: none"> • through which the community can discuss or provide feedback to the Applicant; • through which the Applicant will respond to enquiries or feedback from the community; and • to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation. 				
D15	The updated CCS must be submitted to the Planning Secretary for approval no later than one month before the commencement of construction.	<ul style="list-style-type: none"> • 1st IEA 	This Condition was assessed as non-compliant during the 1 st IEA but the updated CCS had been submitted to the Planning Secretary, so there was no recommendation. Therefore, Condition D15 had been completed.	Not triggered	
D16	Construction must not commence until the updated CCS has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.	<ul style="list-style-type: none"> • 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA.	Not triggered	
D17	The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12	<ul style="list-style-type: none"> • Interview with Mirvac on 23/01/24 • Site visit on 23/01/24 	Mirvac advised the implementation of the CCS was still ongoing. The Auditors have no reason to believe this condition has not been complied with.	Compliant	

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APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	months following the completion of construction.				
DEMOLITION					
D18	Demolition work must comply with Australian Standard AS 2601-2001 The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier before the commencement of works.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Letter from Hassarati to Mirvac, Re: Harbourside – Demolition Statement dated 03/11/22 Hassarati AD212609 Unrestricted Demolition Licence Demolition Work Plan – Harbourside Shopping Centre prepared by Hassarati, Revision C, 08/11/22 (DWP) Email from Mirvac to McKenzie, HS – Notice of Commencement – Items 7, 9, 10 & B8 dated 14/11/22 <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm 	<p>Demolition of the ground floor slab was undertaken by Delta Group during this Audit Period. No evidence has been provided that a demolition work plan prepared by Delta Group and an accompanying statement of compliance with AS 2601-2001 were submitted to the Certifier in accordance with Condition D18 requirements prior to commencement of the ground floor slab demolition.</p> <p>Following factual review, Mirvac advised that Condition D18 was not applicable because the requirement is “not applicable to demolition of [a] slab on [the] ground” and referred to SafeWork NSW’s ‘Code of Practice, Demolition Work’. The Auditors recognise that demolition of a ground floor slab is not ‘high risk construction work’ under the Clause 291, <i>Work Health and Safety Regulation 2017</i>, defined, amongst as other things, as involving a risk of a person falling more than 2 metres, or demolition of an element of a structure that is load-bearing or otherwise related to the physical integrity of the structure.</p> <p>AS 2601-2001 defines demolition work as “The complete or partial dismantling of a building or structure, by pre-planned and controlled methods or procedures”.</p> <p>Neither Condition D18 or AS 2601-2001 exclude demolition of a ground floor slab from the requirement of preparing a work plan and statement of compliance.</p> <p>Therefore, Condition D18 is considered non-compliant. No immediate recommendation is made as the ground floor slab has been demolished.</p> <p>Recommendation: In the event that further demolition work is required, ensure that a work plan and statement of compliance are prepared and submitted to the Certifier in accordance with Condition D18.</p>	Non-compliant	NC3

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
PRE-WORK DILAPIDATION REPORT					
D19	In the event that works under this consent commence six or more months after Stage 1 demolition works approved by development consent SSD-7874, or otherwise requested by the Planning Secretary, the Applicant must submit to the satisfaction of the Certifier a Pre-Excavation Dilapidation Report, prepared by a suitably qualified person.	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as not triggered and completed during the 1 st IEA.	Not triggered	
D20	The Pre-Excavation Dilapidation Report required by Condition D19 is to detail the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner of the land and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'. A copy of the report is to be forwarded to the	<ul style="list-style-type: none"> Refer to Condition D19 Evidence 	Refer to Condition D19 Findings and Recommendations.	Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	Planning Secretary and each of the affected property owners.				
D21	In the event that access for undertaking a Pre-Excavation Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.	<ul style="list-style-type: none"> Refer to Condition D19 Evidence 	Refer to Condition D19 Findings and Recommendations.	Not triggered	
D22	The damage must be fully rectified by the Applicant in accordance with the Place Management NSW's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.	<ul style="list-style-type: none"> Refer to Condition D19 Evidence 	Refer to Condition D19 Findings and Recommendations.	Not triggered	
PRE-WORK DILAPIDATION REPORT – TfNSW					
D23	Prior to the issue of any construction certificate, upon the request of TfNSW, a Pre-Excavation Work Dilapidation Report of the Sydney Light Rail and its assets must be prepared by a qualified structural engineer. The dilapidation survey shall be undertaken via a joint site inspection by the representatives of the Sydney Light Rail Operator, TfNSW and the Applicant. The Dilapidation surveys	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA.	Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	must establish the extent of existing damage and enable any deterioration during construction to be observed.				
PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES					
D24	Prior to the commencement of any works, the Applicant must: (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure (b) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Site visits on 16/01/24 23/01/24 	Condition D24 was assessed as compliant during the 1 st IEA and completed in respect to Condition D24(a). Mirvac advised that no street trees surrounding the site have been trimmed or damaged. The Auditors observed no damage to the street trees near the southwest corner of the site during the site visits. On this basis, the Auditors consider this condition to be compliant.	Compliant	
PUBLIC DOMAIN PHOTOGRAPHIC RECORDING					
D25	Prior to the commencement of any works, a photographic recording of the public domain site frontages is to be prepared as described in the City of Sydney Council Public Domain Manual and submitted to Place Management NSW for approval. The submission is to include written confirmation, issued with the authority of both the Applicant and the photographer, that the relevant authority is granted a perpetual, non-exclusive license to make use of the copyright in all images	<ul style="list-style-type: none"> 1st IEA Letter from Mirvac to PMNSW, Redevelopment of Harbourside Photographic Recordings, 14/09/23 Letter from enstruct group to Mirvac, Harbourside City of Sydney License for use of Dilapidation Report Photographs, 23/09/23 Email from Mirvac to PMNSW, RE: PMNSW Pre-Demolition Dilapidation 	<p>During the 1st IEA, the Auditors found that the photographic recording did not include a perpetual, non-exclusive license to make use of the copyright in all images supplied, or the signatures of both the Applicant and photographer.</p> <p>During this Audit Period, the Auditors reviewed documentation to confirm that by the authority of Mirvac and the photographer that PMNSW is granted a perpetual, non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties.</p>	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	supplied, including the right to make copies available to third parties. The signatures of both the Applicant and photographer must be included.	Report and Photographic Survey, 22/09/23			
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN					
D26	<p>Prior to the commencement of any works, the Construction Environmental Management Plan (CEMP) (dated 17 January 2023) must be updated and submitted to the Certifier for approval. The CEMP must address, but not be limited to, the following matters where relevant:</p> <p>(a) Details of:</p> <p>(i) hours of work</p> <p>(ii) 24 hour contact details of the site manager</p> <p>(iii) community consultation and complaint handling procedure</p> <p>(iv) traffic management</p> <p>(v) noise and vibration management, prepared by a suitably qualified person</p> <p>(vi) management of dust and odour to protect the amenity of the neighbourhood</p> <p>(vii) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site</p>	<ul style="list-style-type: none"> 1st IEA Mirvac, Construction & Environmental Management Plan, Rev L, 28/08/23 (CEMP Rev L, 28/08/23) <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm CEMP Rev E, 13/12/23 	<p>During the 1st IEA, the Auditors found that the CEMP did not address the following conditions of D26:(viii);(x);(xi);(g); (h); and (i).</p> <p>The CEMP was updated during this Audit Period. The Auditors make the following comments regarding the updated CEMP Rev L, 28/08/23:</p> <ul style="list-style-type: none"> The CEMP Rev L, 28/08/23 was updated to include revised Sediment Control Drawings but otherwise, remained unchanged. (a)(viii) The Auditors accept that Section 12.5 Ground Contamination refers to the RAP for management of remediation, which is considered adequate. Section 12.5 does not refer to an unexpected contamination finds protocol but the RAP includes an unexpected contamination finds protocol. (a)(x) The CEMP Rev L, 28/08/23 refers to lighting in Section 8.12 for major events but only that the lighting levels be "suitable" and not in compliance with applicable Australian Standards. (a)(xi) There is no reference to flora or fauna management, except in relation to tree protection on Drawing CIV-DWG-OA-0001, General Notes and Legends, and a requirement in Section 3.3 for Workplace Managers to "Secure areas such as flora or fauna habitats identified for environment protection", although no such habitats are identified. (g) Section 3.8 Site Security remains unchanged and still indicates that the Site Security Management Plan (SSMP) 	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(viii) contamination management, including any unexpected contamination finds protocol (ix) waste management (x) external lighting in compliance with applicable Australian Standards (xi) flora and fauna management. (b) Construction Traffic and Pedestrian Management Sub-Plan (c) Construction Noise and Vibration Management Sub-Plan (d) Air Quality Management Sub-Plan (e) Construction Waste Management Sub-Plan (f) Construction Soil and Water Management Sub-Plan (g) Site Security Management Plan (h) an unexpected finds protocol for contamination and associated communications procedure (i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure (j) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.		<p>will be prepared. As the SSMP has now been prepared, this is considered adequate.</p> <ul style="list-style-type: none"> (h) CEMP Rev L, 28/08/23 does not refer the reader to an unexpected finds protocol for contamination and associated communications procedure. Section 5.3 of Hazardous Building Materials Survey (Appendix H) refers to a one sentence procedure in the event of an unexpected finds but it is not a 'protocol' and is not considered adequate. Section 12.5 Ground Contamination should refer a reader to the unexpected finds protocol for contamination and associated communications procedure that is contained in the RAP. CEMP Rev L, 28/08/23 makes no reference to an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure. <p>Following factual review, Mirvac provided a different version of the CEMP that had an earlier version number, Revision E, but was issued on 13/12/23, which was after the previously provided Revision L issued on 28/08/23. There appear to be two different 'current' versions of the Mirvac CEMP. Review of CEMP Rev E, 13/12/23, indicated that the above missing information was addressed, with the exception of details on flora and fauna management. CEMP Rev E, 13/12/23 also includes a SSMP. Overall, CEMP Rev E, 13/12/23 is considered to meet the requirements of Condition D26 although noting that details on flora and fauna management could be improved.</p> <p>Recommendation: Update the CEMP to include details on flora and fauna management. Note, this may entail indicating, consistent with the EIS, that the site is a "highly modified and disturbed urban environment, and [the development] would not impact on</p>		

Table A: Compliance with SSD 38881729, Stage 2					
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			<i>biodiversity values. The site is not considered to have habitat suitable for any threatened flora and fauna</i>		
CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT SUB-PLAN					
D27	<p>Prior to commencement of any works, the Applicant must submit to the satisfaction of TfNSW and Place Management NSW a final Construction Pedestrian and Traffic Management Plan (CPTMP), prepared by a suitably qualified person in consultation with Council, TfNSW and the Sydney Light Rail Operator. The CPTMP must be endorsed by TfNSW and submitted to the Planning Secretary and Council for information prior to the commencement of works. The CPTMP must address, but not be limited to, the following matters:</p> <p>(a) a description of the development (b) location of any proposed work zone(s) (c) details of crane arrangements including location of any crane(s) and crane movement plan (d) haulage routes (e) proposed construction hours (f) predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area,</p>	<ul style="list-style-type: none"> 1st IEA Interview with Mirvac on 23/01/24 CEMP Rev L, 28/08/23, with attached Appendix D: <ul style="list-style-type: none"> PTC Consultants, Construction Pedestrian and Traffic Management Plan, Rev 8, 01/11/22 (CPTMP, Rev 8, 01/11/22) Emails between Mirvac and TfNSW, cc'd to Transdev, Demolition Traffic and Pedestrian Management Plan for Review and Approval, dated between 23/05/22 and 03/06/22 Post Approval Form_20221123025549.pdf, SSD-7874-PA-7, Submission of Demolition Environmental Management Plan, including CPTMP <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 	<p>The Auditors found in the 1st IEA that Condition D27 was non-compliant because there was no evidence to confirm consultation occurred with the Sydney Light Rail Operator regarding Revision 8 of the CPTMP or that it had been submitted to DPE for information. Mirvac's RAR indicated that they "have fortnightly and ongoing engagement with Transdev [Sydney Light Rail Operator] and received sign off on the CPTMP from TfNSW representatives, as per documentation provided". Documentation provided shows that fortnightly meetings do occur with TfNSW, Transdev and PMNSW where transport and traffic management matters are discussed. Documentation has not been provided to show that Transdev were consulted regarding Revision 8 of the CPTMP or that it was submitted to DPE. The Auditors acknowledge that the CPTMP is a revised version of the CPTMP that was prepared for Stage 1 of the development under Development Consent SSD 7874 and documentation was previously provided that showed that following a meeting, Revision 4 of the CPTMP issued on 13/04/22 was emailed to TfNSW and cc'd to a Transdev representative, for review. However, no further documentation has been provided to show that later versions of the CPTMP issued after the issue of SSD 38881729, such as Revision 8 of the CPTMP, was forwarded to TfNSW for endorsement and to Transdev for review and comment. Following factual review, Mirvac provided an email dated 11/05/23 that indicates that an "Updated CPTMP" had been received by the Department, although the revision number and date of issue of the CPTMP is not indicated. It may have been CPTMP, Rev 8, 01/11/22. However, as discussed in the</p>	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>noting that construction vehicle movements are to be minimised during peak periods</p> <p>(g) details of routes to and from the site and entry and exit points from the site</p> <p>(h) details of roads that may be excluded from use by construction traffic i.e. roads with load limits, quiet residential streets or access/turn restricted streets</p> <p>(i) construction vehicle access arrangements, including swept path analysis and details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queueing on public roads</p> <p>(j) details of the monitoring regime for maintaining the simultaneous operation of buses, light rail and construction vehicles on roads surrounding the site</p> <p>(k) pedestrian and traffic management measures</p> <p>(l) construction program and construction methodology, including any construction staging</p> <p>(m) a detailed plan of any proposed hoarding and/or scaffolding</p> <p>(n) measures to avoid construction worker vehicle movements within the Darling Harbour Precinct</p> <p>(o) consultation strategy for liaison with surrounding stakeholders,</p>	<p>38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm</p> <ul style="list-style-type: none"> • DPE email to Mirvac, Harbourside Bulk Excavation Works - Condition D27 – Updated CPTMP, 11/05/23 • CEMP Rev E, 13/12/23, with attached Appendix B: <ul style="list-style-type: none"> ○ PTC Consultants, Construction Pedestrian and Traffic Management Plan, Rev 3, 23/11/23 (CPTMP Rev 3, 23/11/23) • DPE / PMNSW letter to Mirvac, Re: Landowner’s Consent Application to submit a Construction Certificate – LOC Reference Number: #12253, 06/12/23 • 12253 - CC - Harbourside Shopping Centre, 2-10 Darling Drive, Sydney- Construction of the foundation piles, lift and ~ CC1 LOC 	<p>findings for Condition D26, Mirvac provided a different CEMP, CEMP Rev E, 13/12/23, which includes a different version of the CPTMP, being CPTMP Rev 3, 23/11/23. Rev 2 of that CPTMP was issued on 04/11/22. So, the Updated CPTMP submitted to the Department on 11/05/23 was likely to have been either CPTMP, Rev 8, 01/11/22 or CPTMP Rev 2, 04/11/22, which were probably similar, if not the same. Mirvac also provided evidence that a CEMP including the CPTMP was submitted to PMNSW and accepted on 06/12/23. Although the evidence is not clear as to whether Transdev were consulted in the preparation of a particular version of the CPTMP for the purposes of Condition D27, SSD 38881729, the Auditors consider it likely that Transdev were made aware of the updated version(s) during the course of the fortnightly meetings with Mirvac, TfNSW and PMNSW. Therefore, Condition D27 is considered compliant.</p>		

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APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	including other developments under construction (p) identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction of the proposed works (q) cumulative construction impacts of projects within the Darling Harbour Precinct. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure the coordination of work activities are managed to minimise impacts on the surrounding road network, and (r) should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and must be enforced throughout the duration of works.	<p>Documentation Register.PDF, stamped by PMNSW, 06/12/23</p> <ul style="list-style-type: none"> • Emails between Mirvac and McKenzie, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (D27, D34), 29/11/23 to 18/12/23 			
D28	The CPTMP approved under Condition D27 must be complied with during any works associated with this consent.	<ul style="list-style-type: none"> • Interview with Mirvac on 23/01/24 • Site visit on 23/01/24 • Complaints Register Harbourside by Mirvac: July 2023, August 2023, September 2023, October 2023, November 	<p>Traffic and pedestrian management measures were observed implemented during the site visit.</p> <p>No complaints were recorded relating to pedestrian or traffic management issues.</p> <p>Based on the information reviewed by the Auditors and the site visit, the Auditors consider this condition has been met.</p>	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		2023, December 2023 and January 2024			
D29	The CPTMP approved under Condition D27 is for the excavation, demolition and construction of building works, not for road works (if required) associated with the development. Any road works will require separate approval from Place Management NSW and/or TfNSW for consideration.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 	Mirvac advised no road works were undertaken during this Audit Period.	Not triggered	
D30	Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Transport for NSW (development.sco@transport.nsw.gov.au) to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The Applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.	<ul style="list-style-type: none"> 1st IEA Interview with Mirvac on 23/01/24 Email from Mirvac to Transport, Harbourside SSD38881729, 08/09/23 <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm 	<p>The Auditors found in the 1st IEA that Condition D30 was non-compliant because the builder's direct contact number had not been provided to the Transport Management Centre (TMC).</p> <p>Mirvac emailed a direct number for the builder, Mirvac, to Transport for NSW (development.sco@transport.nsw.gov.au) on 08/09/23. However, that email is the email referred to in Condition D30 for TfNSW, not the TMC.</p> <p>The Auditors do not know the appropriate email address for the Transport Management Centre however, it is suggested that the builder's direct contact number could be provided to the TMC using the email address livetraffic@tmc.transport.nsw.gov.au (an email address provided for Developers to provide feedback or enquire on the Live Traffic NSW data files) or it could be mailed to PO Box 1625, Strawberry Hills 2012.</p> <p>Following factual review, Mirvac advised that as TfNSW runs the TMC, an email to TfNSW was sufficient. Whilst it may be true that TfNSW runs the TMC, Condition D30 appears to require that both the TMC and TfNSW be contacted. However, the Auditors acknowledge that the wording of Condition D30 could be considered ambiguous and</p>	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
			<p>interpreted to mean that the specified email address may cover both the TMC and TfNSW. On this basis, the Auditors consider Condition D30 to be compliant but make an opportunity for improvement recommendation.</p> <p>Recommendation: Submit the builder’s direct contact number to the Transport Management Centre using the email address livetraffic@tmc.transport.nsw.gov.au (an email address provided for Developers to provide feedback or enquire on the Live Traffic NSW data files) or by mailing it to PO Box 1625, Strawberry Hills 2012.</p>		
SPECIAL EVENT MANAGEMENT SUB-PLAN					
D31	<p>Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier, a Special Event Management Sub-Plan, prepared in consultation with PMNSW, which includes details of access and egress arrangements during major events, details of road closures and potential impacts during construction activities.</p>	<ul style="list-style-type: none"> 1st IEA Interview with Mirvac on 23/01/24 Mirvac, Special Events Management Plan.pptx, Harbourside Redevelopment, Final Events Management Plan, SSD-38881729, September 2023 <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm CEMP Rev E, 13/12/23, with attached Appendix L: Mirvac, 	<p>The Auditors found in the 1st IEA that Condition D30 was non-compliant because although a Final Events Management Plan had been prepared, it related more to the completed development and not the construction site.</p> <p>Mirvac noted in their RAR that a Special Event Management Sub-Plan was being prepared and that “<i>events have been managed smoothly to date due to continuous and frequent coordination and weekly meetings with PMNSW</i>”.</p> <p>Mirvac provided a Special Event Management Plan that generally meets the requirements of Condition D31. However, no documentation has been provided to show that the Special Event Management Plan was: 1) prepared in consultation with or reviewed by PMNSW; and 2) submitted to the satisfaction of the Certifier.</p> <p>Following factual review, Mirvac provided a different and later version of the CEMP, being CEMP Rev E, 13/12/23. CEMP Rev E, 13/12/23 includes a ‘Final Events Management Plan’ in Appendix L, that meets Condition D31 requirements. Mirvac advised that the “<i>Special Events Management Plan</i></p>	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		<p>Harbourside Redevelopment, Final Events Management Plan, SSD-38881729, September 2023</p> <ul style="list-style-type: none"> • Emails between Mirvac and McKenzie, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (D27, D34), 29/11/23 to 18/12/23 • DPE / PMNSW letter to Mirvac, Re: Landowner's Consent Application to submit a Construction Certificate – LOC Reference Number: #12253, 06/12/23 • 12253 - CC - Harbourside Shopping Centre, 2-10 Darling Drive, Sydney- Construction of the foundation piles, lift and ~ CC1 LOC Documentation Register.PDF, stamped by PMNSW, 06/12/23 	<p>was included in CEMP Rev E, appendix L. Plan was approved by PMNSW as part of LOC [Land Owner's Consent] dated 6 December 2023. Document register has also been included to show all documents issued and approved as part of the LOC." The Auditors note that the LOC predated CEMP Rev E, 13/12/23 so it is assumed that an earlier version of the CEMP was provided to PMNSW. The register attached to the PMNSW LOC, which is also stamped by PMNSW, does not refer to a Special (or Final) Events Management Plan. However, the Auditors accept Mirvac's statement that PMNSW were sent the CEMP, including the Final Events Management Plan. The Certifier was sent CEMP Rev D, 22/11/23 on 29/11/23 and CEMP Rev E, 13/12/23 on 18/12/23 and the Certifier indicated satisfaction with the CEMP on 18/12/23, which is assumed to include satisfaction with the Final Events Management Plan. Condition D31 is considered compliant based on the available evidence.</p>		
CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN					
D32	Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for	<ul style="list-style-type: none"> • 1st IEA • Interview with Mirvac on 23/01/24 • CEMP Rev L, 28/08/23 • RAR 	<p>The Auditors found in the 1st IEA that Condition D30 was compliant although it was noted that the CNVMP did not adequately address Condition D32(d) or (i), and an opportunity for improvement was recommended. The 1st IEA recommended the following:</p> <ul style="list-style-type: none"> • Review and revise the CNVMP to: 	Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>the development. The Sub-Plan must include:</p> <p>(a) identification of the specific activities that will be carried out and associated noise sources at the site.</p> <p>(b) identification of all potentially affected sensitive residential receiver locations;</p> <p>(c) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS;</p> <p>(d) the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval;</p> <p>(e) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;</p> <p>(f) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts;</p>		<ul style="list-style-type: none"> ○ reference the EPA’s ICNG, as required in Condition D32(d) and Condition E10, and more clearly discuss the selected noise criteria relative to the various guidelines; ○ more clearly discuss the triggers (e.g. 1-2 noise complaints, or sustained noise complaints) and the noise action levels for requiring further mitigation in accordance with Conditions E10 and E14; ○ include a method for recording or otherwise documenting the daily construction activities, including demolition, to assist Acoustic Logic to analyse the noise monitoring data and provide context for the noise levels generated by the development; ○ include the reporting requirement if noise management levels cannot be satisfied. <ul style="list-style-type: none"> ● Obtain Certifier approval for the revised CNVMP. <p>Mirvac’s RAR indicated that an update of the CNVMP was in progress.</p> <p>However, the CNVMP has not been updated during this Audit Period, as recommended.</p> <p>Given that the recommendations were opportunities for improvement, the Auditors make no further recommendations.</p>		

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	<p>(g) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;</p> <p>(h) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;</p> <p>(i) where night-time noise management levels cannot be satisfied, a report must be submitted to the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;</p> <p>(j) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;</p> <p>(k) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere</p>				

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	to the noise management provisions in the Sub-Plan; (l) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; (m) measures to monitor noise performance and respond to complaints; (n) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site; (o) procedures to allow for regular professional acoustic input to construction activities and planning; and (p) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).				
AIR QUALITY MANAGEMENT SUB-PLAN					
D33	Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier an Air Quality Management Sub-Plan (AQMP) for the development. The Sub-Plan must include, as a minimum, the following elements: (a) be prepared by a suitably qualified and experienced expert in accordance with the EPA’s Approved Methods for the Modelling and	<ul style="list-style-type: none"> 1st IEA JBS&G, Bulk Excavation Air Quality Assessment, Rev 1, 29/04/22 (AQMP) 	This Condition was assessed as compliant and completed during the 1 st IEA.	Not triggered	

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	<p>Assessment of Air Pollutants in NSW (the Approved Methods);</p> <p>(b) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour);</p> <p>(c) mission statement;</p> <p>(d) dust and VOCs/odour management strategies consisting of:</p> <p>(i) objectives and targets;</p> <p>(ii) risk assessment;</p> <p>(iii) suppression improvement plan;</p> <p>(iv) monitoring requirements including assigning responsibility (for all employees and contractors);</p> <p>(v) communication strategy; and</p> <p>(vi) system and performance review for continuous improvements.</p>				
D34	<p>The AQMP must detail management practices to be implemented for all dust and VOC/odour sources at the site. The AQMP must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (e.g. frequency, duration and method of monitoring) to be undertaken for the project.</p>	<ul style="list-style-type: none"> • 1st IEA • Site visit on 23/01/24 • AQMP 	<p>This Condition was assessed as compliant during the 1st IEA.</p> <p>The Auditors observed the dust monitor during the site visit, as well as dust mitigation. No odour was observed during the site visit.</p>	Not triggered	
D35	<p>The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air</p>	<ul style="list-style-type: none"> • 1st IEA • Interview with Mirvac and JBS&G on 12/02/24 • AQMP 	<p>The Auditors found in the 1st IEA that Condition D35 was non-compliant because the AQMP did not include an Ambient Monitoring Program or a Reactive Management Strategy.</p>	Compliant	

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	Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.		<p>Mirvac’s RAR indicated that “<i>Mirvac and JBS&G (consultant) disagree with this assessment and refer to Section 6 of the Air Quality Assessment plan for evidence.</i>”</p> <p>The Auditors reviewed Section 6 Air Quality Management Strategy of the AQMP again. It proposed a monitoring program including visual dust monitoring, continuous real-time particulate monitoring (PM₁₀) and crystalline silica and/or asbestos in air monitoring when work activities indicate that crystalline silica or asbestos exposure are a risk. Section 6 details the assessment criteria and the responses that would be undertaken to mitigate elevated levels as needed, which essentially comprises the reactive component of the strategy.</p> <p>Section 6.6 outlines odour management measures for odour generated by Potential Acid Sulfate Soils (PASS). The proposed control measure was to cover the stockpile with geofabric / builder’s plastic.</p> <p>The Auditors consider that Section 6 of the AQMP incorporates ambient air monitoring and a reactive management strategy to manage air quality and odour issues. Therefore, Condition D35 is considered compliant.</p>		
CONSTRUCTION WASTE MANAGEMENT SUB-PLAN					
D36	Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier a final Construction Waste Management Sub-Plan (CWMP) for the development. The Sub-Plan must include, as a minimum, the following elements: (a) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA’s “Waste	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA	Not triggered	

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	<p>Classification Guidelines Part 1: Classifying Waste”;</p> <p>(b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;</p> <p>(c) procedures for minimising the movement of waste material around the site and double handling;</p> <p>(d) waste (including concrete waste, rinse litter, debris or other matter) is not caused or permitted to enter any waterways;</p> <p>(e) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;</p> <p>(f) the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;</p> <p>(g) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):</p> <ul style="list-style-type: none"> • a traffic plan showing transport routes within the site; • a commitment to retain waste transport details for the life of the project to demonstrate compliance with the Protection of the 				

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	Environment Operations Act 1997; and <ul style="list-style-type: none"> the name and address of each licensed facility that will receive waste from the site (if appropriate). (h) on-site general waste and co-mingled recycling waste bins are available for waste generated by workers and suitably located (e.g. break out areas) (i) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste				
D37	For the transport and disposal of industrial, hazardous or Group A liquid waste, advice should be sought from the EPA.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Interview with Mirvac and JBS&G on 12/02/24IAA No.3 JBS&G, L051 - Waste Classification (SP12) - Harbourside Sydney NSW (Rev 0).pdf, L051: Waste Classification (SP12) - Marine Sediments and Associated Fill (Treated PASS), Basement Envelope, Harbourside Development Site, Sydney, NSW, 05/12/23 23.12.21 N3-463 Material Tracking Register.xlsx, Material Tracking 	Mirvac advised there has been no removal of the waste specified in condition D37, which was confirmed based on review of the Material Tracking Register. Therefore, Condition D37 has not been triggered.	Not triggered	

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		Register, Job: N3-463, 31/05/23 to 21/12/23			
CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN					
D38	<p>Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier a Construction Soil and Water Management Sub-Plan (CSWMP) which must be prepared by a suitably qualified expert and address, but not be limited to, the following:</p> <p>(a) describe all erosion and sediment controls to be implemented during construction</p> <p>(b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the Site)</p> <p>(c) detail all off-Site flows from the Site</p> <p>(d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.</p> <p>The CSWMP must be submitted to Place Management NSW for information prior to the commencement of any works.</p>	<ul style="list-style-type: none"> 1st IEA CEMP Rev L, 28/08/23 <ul style="list-style-type: none"> at&l, Erosion and Sedimentation Control Plan, CIV-DWG-OA-0401, Issue 2, 11/08/23 (ESCP) at&l, Erosion and Sedimentation Control Details, IVDWG-OA-0402, Issue 2, 11/08/23 (ESCD) <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm CEMP Rev E, 13/12/23, with attached Appendix D Sediment & Erosion Control Plans (AT&L): <ul style="list-style-type: none"> at&l letter to Mirvac, RE: 2-10 DARLING DRIVE, SYDNEY (SSDA 49295711) 	<p>The Auditors found in the 1st IEA that Condition D38 was compliant, except it did not adequately address Condition D38(d). Mirvac’s RAR indicated that no further action was proposed because the Certifier had signed off on the CSWMP and CEMP.</p> <p>The Auditors reviewed CEMP Rev L, 28/08/23. The Erosion and Sediment Control Plan and Erosion and Sediment Control Details drawings had been updated to specify the use of Drain Wardens as a sediment control measure. No other changes were apparent addressing measures to be implemented to manage stormwater and flood flows for small and large sized events.</p> <p>Further consideration of the measures required to manage stormwater and flood flows for small and large sized events may prevent a reoccurrence of the sediment release. On this basis, the Auditors make the same recommendation for improvement.</p> <p>Following factual review, Mirvac provided a different and later version of the CEMP, being CEMP Rev E, 13/12/23. CEMP Rev E, 13/12/23, Appendix D contains updated ESCP and ESCD drawings, as well as an ‘Erosion and Sediment Control Design Certificate’ by at&l. In their design certificate, at&l indicate that the referenced Civil Engineering Plans meets the requirements of “Condition D34 ‘Construction Soil and Water Management Plan’”, which is a reference to a similar condition in SSD 49295711. It also refers to “AT&L drawing package ‘CIV-DWG-OA-5000 Series’ for how stormwater is managed during construction for all storm events up to and including the 1% AEP” and indicates that “Existing overland flow paths for large storm events will be</p>	Compliant	

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		<p>HARBOURSIDE SHOPPING CENTRE MAIN WORKS – EROSION AND SEDIMENT CONTROL DESIGN CERTIFICATE, 15/12/23</p> <ul style="list-style-type: none"> ○ at&l, CIV-DWG-OA-5000, Cover Sheet and Drawing List, Issue 1, 08/12/23 ○ at&l, CIV-DWG-OA-5001, General Notes and Legends, Issue 1, 08/12/23 ○ at&l, CIV-DWG-OA-5401, Erosion and Sedimentation Control Plan Sheet 1, Issue 1, 08/12/23 ○ at&l, CIV-DWG-OA-5401 A, Erosion and Sedimentation Control Plan Sheet 2, Issue 1, 08/12/23 ○ at&l, CIV-DWG-OA-5402, Erosion and Sedimentation Control Details, Issue 1, 08/12/23; and Appendix F Mirvac Group Policies & Procedures: 	<p><i>maintained on site refer to Mirvac CEMP for details, with hoarding designed (by others) to protect basement excavation from flood water ingress".</i></p> <p>The updated ESCP does not indicate overland flow paths although it refers to "overland flow paths as defined by the Stantec Flood Report", which has not been provided to the Auditors. Overland flow paths are not discussed elsewhere in CEMP Rev E, 13/12/23. The south-eastern part of the site is lower than the western part of the site and there are no sediment retention basins to capture and retain stormwater aside from the basement excavation, the top of which is higher than the eastern boundary. The ESCP shows that clean water is diverted around the basement excavation in an easterly direction but it does not show where the stormwater is directed to, other than towards the eastern hoarding. It appears that the site relies on the hoarding and its sediment controls to prevent discharges of sediment. The ESCP indicates that "site hoarding is to be certified by structural engineer to be able to withstand flood events up to and including the PMF event".</p> <p>The ESCP indicates the locations of "Place Management stormwater assets", which is where site stormwater discharges, none of which appear to be located in the eastern portion of the site.</p> <p>Not all of the stormwater drains are clearly shown (e.g. gutter drain near the truck wheel wash).</p> <p>The 'Stormwater Drainage Notes' in CIV-DWG-OA-5001, General Notes and Legends, which refers to 'stormwater design criteria and ARIs, appears to relate more to the final stormwater drainage system as opposed to the stormwater drainage system during construction. The drawing legend does not indicate the meaning of the blue dashed lines, including the lines from the basement excavation (assumed to comprise collected rainwater, seepage and/or groundwater from dewatering) to the Dewatering Plant and</p>		

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		<ul style="list-style-type: none"> ○ Mirvac Group Water Quality Discharge Procedure • DPE / PMNSW letter to Mirvac, Re: Landowner’s Consent Application to submit a Construction Certificate – LOC Reference Number: #12253, 06/12/23 • 12253 - CC - Harbourside Shopping Centre, 2-10 Darling Drive, Sydney- Construction of the foundation piles, lift and ~ CC1 LOC Documentation Register.PDF, stamped by PMNSW, 06/12/23 • Emails between Mirvac and McKenzie, HS SSD-49295711 CC1 - Conditions of Consent Documentation for Close Out (D27, D34), 29/11/23 to 18/12/23 	<p>from there to the street gutter stormwater drain near the Darling Drive roundabout.</p> <p>Mirvac provided a PMNSW LOC dated 06/12/23 that indicates that PMNSW had received a CEMP. Mirvac advised that it was CEMP Rev E, 13/12/23 but that can’t be the case because it was issued after the LOC. The Auditors assume that CEMP Rev D, 22/11/23 was submitted to PMNSW, which would not have included the updated ESCP and ESCD, which were issued 08/12/23.</p> <p>Mirvac submitted CEMP Rev E, 13/12/23, including the CSWMP, to the Certifier on 18/12/23 and the Certifier indicated satisfaction with both the CEMP Rev E, 13/12/23 and the CSWMP on the same day.</p> <p>The Auditors consider that the updated ESCP / CSWMP has been improved and Condition D38 remains generally compliant but considering the potential for sediment release along the eastern hoarding during a wet weather event, further improvements are recommended to ensure that the CSWMP can be more effective during future wet weather events. Also refer to Condition E26 findings and recommendations.</p> <p>Recommendation: Review and revise the CSWMP / ESCP so that stormwater drainage is managed and retained within the site boundaries during the construction, including during wet weather events. The CSWMP / ESCP is required to describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.</p>		

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SITE SECURITY MANAGEMENT PLAN					
D39	<p>Prior to the commencement of any works, the Applicant must submit a Site Security Management Plan to Place Management NSW for approval. The Site Security Management Plan must include, but is not limited to:</p> <ul style="list-style-type: none"> (a) after hours contacts (b) hoarding and site security strategy to prevent unauthorised access (c) shut down risk assessment process which details prevention of falls and the like to persons trespassing (d) anti-climb and security measures for tower cranes (e) secure storage areas and theft management (f) site CCTV camera locations (g) major event security protocols and requirements. 	<ul style="list-style-type: none"> • 1st IEA • Interview with Mirvac on 23/01/24 • Mirvac, Site Security Management Plan, undated • Mirvac, Demolition Hoarding Site Plan .pdf • Drawing 1_1.jpg, Harbourside Hoarding Program Rev 2 • Gate locked.jpg • Harbourside Contact List - Civil Stage.msg • Harbourside Contact List Civil Stage.xlsx • Harbourside Shutdown checklist & Emergency Contact list - Easter .msg • Harbourside Site Shutdown checklist and Emergency Contact list - Anzac Long Weekend.msg • Mirvac-Crisis-and-Incident-Management-Plan.pdf • Mirvac-Crisis-and-Incident-Management-Plan.pdf • N3-463 - QF 018-Ver.04 - Pre Shutdown Checklist - 20230609.pdf • Security camera mark up - REV 3 240123_1.jpg <p>Following factual review:</p>	<p>The Auditors found in the 1st IEA that Condition D39 was non-compliant because, although CEMP Rev K indicated that a Site Security Management Plan would be established prior to commencement of works, but the plan was not contained in the CEMP.</p> <p>Mirvac’s RAR indicated that they disagreed with the assessment as a “<i>Site Security Management Plan was agreed with PMNSW as part of the Land Owners Consent for the Construction Certificate. Regular updates are made as required</i>”.</p> <p>Mirvac have provided documentation relating to security arrangements that demonstrate security management measures have been and continue to be implemented at the site, which was never doubted. However, the PMNSW Land Owner’s Consent (LOC) documents provided to the Auditors do not refer to site security measures.</p> <p>Mirvac have provided a Site Security Management Plan (undated) that addresses the majority of the requirements except Condition D39(d) anti-climb and security measures for tower cranes.</p> <p>No documentation has been provided to show that PMNSW have approved the Site Security Management Plan. Condition D39 remains non-compliant.</p> <p>Following factual review, Mirvac provided a different and later version of the CEMP, being CEMP Rev E, 13/12/23. CEMP Rev E, 13/12/23, Appendix K contains a Site Security Management Plan that on review, meets Condition D39 requirements.</p>	Compliant	

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		<ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm CEMP Rev E, 13/12/23, with attached Appendix K: <ul style="list-style-type: none"> Mirvac, Site Security Management Plan, Rev. A, 21/11/23 			
CONSTRUCTION PARKING					
D40	Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles and for site personnel (where required), to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.	<ul style="list-style-type: none"> 1st IEA Complaints Register Harbourside by Mirvac: July 2023, August 2023, September 2023, October 2023, November 2023, December 2023 and January 2024 	<p>This Condition was assessed as compliant and completed during the 1st IEA.</p> <p>The Auditors note that no complaints have been received during the Audit Period regarding on-street parking issues.</p>	Not triggered	
STORMWATER AND DRAINAGE					
D41	Prior to the commencement of work, details of the proposed stormwater disposal and drainage from the development, including a system of on-site stormwater detention in accordance with Council’s standard requirements (as relevant) and details of the	<ul style="list-style-type: none"> 1st IEA CEMP Rev L, 28/08/23 <ul style="list-style-type: none"> at&l, Erosion and Sedimentation Control Plan, CIV-DWG-OA-0401, Issue 2, 11/08/23 	The Auditors found in the 1 st IEA that Condition D41 was compliant but recommended as an opportunity for improvement that the CEMP be revised to describe in more detail how stormwater will be managed and disposed of, including detail on the provision and maintenance of overland flow paths. The revised CEMP should be submitted to the satisfaction of the Certifier specifically relating to Condition D41 requirements.	Compliant	

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	provision and maintenance of overland flow paths must be submitted to and approved by the Certifier. All approved details for the disposal of stormwater and drainage are to be implemented in the development.	<ul style="list-style-type: none"> o at&l, Erosion and Sedimentation Control Details, IVDWG-OA-0402, Issue 2, 11/08/23 <p>Following factual review:</p> <ul style="list-style-type: none"> • Refer to Condition D38 Evidence 	<p>Mirvac’s RAR noted the recommendation. As discussed in the findings for Condition D38, the CEMP Rev L, 28/08/23 was revised during the Audit Period to specify the use of Drain Wardens as a sediment control measure. No further details were provided in the CEMP.</p> <p>The Auditors observed during the site visit that erosion and sediment control measures were implemented including the use of Drain Wardens, coir logs, sediment fencing, geotextile sausages and stabilised site access and truck wash down area, generally in accordance with the Erosion and Sedimentation Control Details.</p> <p>Following factual review, Mirvac provided a different and later version of the CEMP, being CEMP Rev E, 13/12/23. As discussed in the Condition D38 findings, the updated ESCP does not indicate overland flow paths although it refers to “<i>overland flow paths as defined by the Stantec Flood Report</i>”, which has not been provided to the Auditors. Overland flow paths are not discussed elsewhere in CEMP Rev E, 13/12/23. Refer to the Condition D38 findings. Mirvac submitted CEMP Rev E, 13/12/23, including the CSWMP, to the Certifier on 18/12/23 and the Certifier indicated satisfaction with both the CEMP Rev E, 13/12/23 and the CSWMP on the same day.</p> <p>No further recommendation for improvement is made in relation to Condition D41 although the Auditors have retained the recommendation for improvement in Condition D38 and made a further recommendation in relation to Condition E26.</p>		
COMPLIANCE					
D42	Prior to the commencement of any works, the Applicant must ensure that all of its employees,	<ul style="list-style-type: none"> • Refer to Condition A21 Evidence 	Refer to the Findings and Recommendations for Condition A21.	Compliant	

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	contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.				
ARCHAEOLOGICAL INVESTIGATION					
D43	<p>Prior to the commencement of any works, an updated Archaeological Research Design and Excavation Methodology (ARDEM), undertaken by a suitably qualified archaeologist, must be submitted to PMNSW, as delegate of the Heritage Council of NSW, for approval. The ARDEM must:</p> <p>(a) be completed in conjunction with a maritime archaeologist to ensure that any remains associated with maritime activities are properly considered in the proposed archaeological program.</p> <p>(b) include an updated assessment of significance, based on the results of the test excavations undertaken by Curio to date.</p> <p>(c) outline proposed mitigation strategies, including any proposed further investigations, open area salvage excavations and/or references to potential interpretation opportunities, as part of an overarching Interpretation Strategy for the site.</p>	<ul style="list-style-type: none"> • 1st IEA • Curio Projects, Addendum to the Archaeological Research Design (ARD), Harbourside Shopping Centre, Darling Harbour, 04/11/22 • Interview with Mirvac on 23/01/24 • Interview with Mirvac and Curio on 08/02/24 • Photographs: <ul style="list-style-type: none"> ○ IMG_9337.jpg ○ IMG_9339.jpg ○ IMG_9340.jpg ○ IMG_9343.jpg ○ IMG_9344.jpg ○ IMG_9345.jpg ○ IMG_9348.jpg ○ IMG_9352.jpg ○ IMG_9358.jpg ○ IMG_9364.jpg ○ IMG_9369.jpg ○ IMG_9377.jpg ○ IMG_9383.jpg ○ IMG_9385.jpg ○ IMG_9783.jpg 	<p>This Condition was assessed as compliant in relation to the updated ARDEM during the 1st IEA.</p> <p>The Auditors interviewed Curio’s State Significant Excavation Director, who was the Primary Excavation Director for the development. The archaeological investigations, comprising open excavations, were carried out by Curio’s team of archaeologists intensively during August to September 2023. The work comprised both terrestrial and maritime archaeology. Photographs taken by Mirvac were provided to the Auditors to show the work in progress. The Auditors have no reason to believe the ARDEM has not been implemented during the Audit Period.</p>	Compliant	

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APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	All recommendations outlined in the ARDEM must be implemented for the duration of construction.	<ul style="list-style-type: none"> ○ IMG_9784.jpg ○ IMG_9785.jpg 			
D44	Prior to the commencement of any works, the name of a nominated Excavation Director, who satisfies the State Significant Excavation Director Requirements of the Heritage Council of NSW for the proposed archaeological investigative works, must be submitted to PMNSW for approval as the nominated delegate of the NSW Heritage Council	<ul style="list-style-type: none"> • 1st IEA • Interview with Mirvac on 23/01/24 • Interview with Mirvac and Curio on 08/02/24 <p>Following factual review:</p> <ul style="list-style-type: none"> • Mirvac and PMNSW emails, RE: Harbourside - Heritage & Archaeology Items, 03/04/23 to 17/04/23 	<p>The 1st IEA report contained an error because Condition D43 was duplicated as Condition D44 and therefore Condition D44 compliance was not assessed. The Auditors have rectified this error and confirmed that the nominated Excavation Director satisfied the State Significant Excavation Director requirements.</p> <p>Following factual review, Mirvac provided correspondence between Mirvac and PMNSW in which PMNSW reconfirmed endorsement of <i>"Matthew Kelly as excavation director as per PMNSW's Heritage delegations"</i>.</p>	Compliant	
D45	An open area excavation program must be undertaken on the site of the Atlas engineering works, based on information provided in the updated ARDEM required under Condition D43 to further investigate the site and record any significant features and deposits associated with that establishment and pre-foundry occupation of the rock platform below Newstead House. This excavation program can be undertaken in conjunction with bulk excavation works. Further investigation of the area of the boat slip and jetty should be undertaken in conjunction with the bulk excavation works, and, if present, an archaeological	<ul style="list-style-type: none"> • Refer to Condition D43 Evidence 	Refer to the findings for Condition D43. Condition D45 is compliant.	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	recording program should be undertaken prior to its removal.				
D46	All archaeological works outlined in the updated ARDEM should be programmed into the development works to ensure adequate time is available for salvage excavations etc as required.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Interview with Mirvac and Curio on 08/02/24 	Curio advised adequate time was available for salvage excavations in accordance with Condition D46 requirements and to complete the research design scope.	Compliant	
D47	A Final Post-Excavation Archaeological Report is to be prepared by the approved Excavation Director, to publication standard, within one year of the completion of the field-based archaeological activity. Further copies of the report should be lodged with the City of Sydney library, PMNSW and the Heritage NSW library.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Interview with Mirvac and Curio on 08/02/2 	Mirvac and Curio have advised that they were in the process of providing a cost proposal to prepare the Final Post-Excavation Archaeological Report. As it has not been a year since the completion of the archaeology activity, the Auditors consider this Condition to be compliant.	Compliant	
D48	Following completion of the archaeological works on site, the Interpretation Strategies should be updated to include details of the archaeological investigation of the site and how the results will be incorporated into the completed development. Following completion, the Interpretation Strategy must be submitted to PMNSW, as the delegate of the Heritage Council of NSW, for review and approval.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Interview with Mirvac and Curio on 08/02/2 	Mirvac and Curio have advised that they notified PMNSW of a couple of large industrial heritage items including hydraulic jacks (foundry related) and industrial cranes (railway related). The Interpretation Strategies will be updated and provided in the Final Post-Excavation Archaeological Report. As there is no specified deadline for updating the Interpretation Strategies, Condition D48 is considered compliant and remains to be completed.	Compliant	
D49	An unexpected finds protocol must be created to manage the unexpected discovery of potential relics during the works. This must	<ul style="list-style-type: none"> 1st IEA Interview with Mirvac and Curio on 08/02/2 	During the 1 st IEA, the Auditors found this Condition to be compliant with a recommendation of including processes in the unexpected finds protocol for notification and consultation with PMNSW and the Heritage Council.	Compliant	

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	include details of what constitutes an archaeological relic for the project, stop work procedures, procedures for contacting a suitably qualified archaeologist to assess the find, and processes for notification and consultation with PMNSW and the Heritage Council.		<p>Mirvac’s RAR indicated that the “<i>recommendations in the unexpected finds protocol state that an archaeologist is to attend site and advise of the next steps in the case of an unexpected find</i>”. That is the case, but the induction does not address the process for notification and consultation with PMNSW and the Heritage Council.</p> <p>The Auditors understand that Mirvac would contact Curio in the event that an unexpected archaeological relic was found and that Curio would assess the find and based on that assessment, notify PMNSW and the Heritage Council as appropriate. Curio advised that a representative of the Heritage Council visited the site during the open excavation archaeological investigations.</p> <p>As the previous recommendation was an observation for improvement and there appears to be a robust process in place in which PMNSW and Heritage Council would be consulted as appropriate, the Auditors make no further recommendation in relation to Condition D49.</p>		
HAZARDOUS MATERIALS SURVEY					
D50	Prior to the commencement of any demolition, a Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist and submitted to the satisfaction of the Planning Secretary. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommends as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA.	Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
RODENT TREATMENT PROGRAM					
D51	Prior to the commencement of any works, a programme of baiting and monitoring of rodent activity is to be put in place at the site.	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA.	Not triggered	
D52	A licensed Pest Control Operative must carry out all pest control work and prepare a report confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site. The report must be submitted to and be approved by Place Management NSW.	<ul style="list-style-type: none"> 1st IEA Harourside final rodent report.pdf, 20/01/23 Emails between Mirvac and PMNSW, RE: Harbourside Pest Control Report, 28/09/23 to 14/12/23 	<p>The Auditors found in the 1st IEA that Condition D52 was non-compliant because a pest control report had not been submitted to PMNSW for approval.</p> <p>During this Audit Period, the Auditors reviewed documentation to confirm that a Harourside [sic] final rodent report was prepared prior to commencement of works and that it was sent to PMNSW for approval. PMNSW noted the report and advised that it had no further comment on the report. Condition D52 is now considered compliant.</p>	Compliant	
IMPORTED FILL MATERIALS					
D53	<p>All fill imported onto the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.</p> <p>The Planning Secretary may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence, all fill imported onto the site should be validated by either one or both of the following methods during remediation works:</p> <p>a) Imported fill must be accompanied by documentation</p>	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Site visit on 23/01/24 23.12.21 N3-463 Material Tracking Register.xlsx, Material Tracking Register, Job: N3-463, 31/05/23 to 21/12/23 JBS&G, L047 - Basement Interim Validation Advice 01 (Rev A).pdf, Letter to Mirvac, L047: Basement Interim Validation Advice 01 – Harbourside Development Site, Sydney, NSW, 21/11/23 20230726. Import Material Dockets 	<p>Mirvac provided a Material Tracking Register but it only appears to document material exported from the site, not imported material. JBS&G’s Basement Interim Validation Advice indicated that "quarried DGB20" material (i.e. Densely Graded Base (DGB) road base material) was imported to facilitate construction of a temporary piling pad. Whilst JBS&G had not inspected the quarry site in accordance with the RAP, they advised that they are familiar with the site and inspected the imported material on arrival.</p> <p>Import material dockets and a Material Test Report indicates that the source site was Boral’s Dunmore Quarry located at 38 Tabbita Road, Dunmore. Although documentation has been provided regarding the source site and material properties, they do not comprise the required validation documentation, being either certification from Boral that the material is not contaminated based upon analysis, and/or sampling and analysis of the imported</p>	Compliant	

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	<p>from the supplier which certifies that the material is not contaminated based upon analysis of the material for the known past history of the site where the material is obtained</p> <p>b) Sampling and analysis of the fill material shall be conducted in accordance with the NSW EPA (1995) Sampling Design Guidelines.</p>	<p>08.06.2023 - 26.07.2023.pdf</p> <ul style="list-style-type: none"> DUNQ_DGB20 SP25020_0-4000t TfNSW 3051Ed7 Class1 CatB.pdf IAA No.3 <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 27/03/24 EPA website: https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/virgin-excavated-natural-material EPA website: https://app.epa.nsw.gov.au/prpoeoapp/default.aspx?range=POEO%20licences&searchrange=licence, Environment Protection Licence No. 77 	<p>material for contamination in accordance with the NSW EPA (1995) Sampling Design Guidelines.</p> <p>The Site Auditor noted in IAA No.3 that <i>"No records relating to the imported material have been provided"</i>.</p> <p>Following factual review, Mirvac provided advice from JBS&G that the Boral Dunmore Quarry has an Environment Protection Licence No. 77 (EPL 77) for 'Extractive activities' and that according to the EPA website, <i>"extractive materials" (as defined in the POEO Act, Schedule 1, clause 19) that are legally extracted from a quarry are not considered waste. Where this applies, the material is therefore not required to be classified under the waste classification process and does not require a VENM certificate"</i>. On this basis, Condition D53 is considered compliant.</p>		
GROUNDWATER INFLOWS AND LICENSING					
D54	<p>Prior to water take occurring, the Applicant must ensure sufficient water entitlement is held in a water access licence/s to account for the maximum predicted take.</p>	<ul style="list-style-type: none"> Letter from DPE Water to Mirvac, Water Supply Works Approval [10WA124897], 17/08/23, with attached: 	<p>Documentation reviewed confirms that a Water Supply Works Approval [10WA124897], was obtained on 17/08/23, prior to the establishment of the dewatering plant. The Water Supply Works Approval was issued with an extraction limit of 107 megalitres (ML) per year for up to two years and</p>	Compliant	

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		<ul style="list-style-type: none"> ○ NSW Government, Statement of Approval, Approval number 10WA124897, Expiry date 16/08/25 • DPE Water letter to Mirvac, New water access licence with zero share component, 18/09/23, with attached: <ul style="list-style-type: none"> ○ DPE, Notice of Decision, Water Management Act 2000, 15/09/23 • Certificate of Title, WAL44984, 29/01/24JBS&G, Dewatering Management Plan, 62851/147518 (Rev A),18/11/22 (DMP) • Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – October 2023 	<p>required the approval holder to obtain a Water Access Licence before dewatering unless an exemption applied. The DMP estimated that approximately 14.3 ML would be extracted over the 18 month construction period. Based on the DMP estimate, the water entitlement should be sufficient. On this basis, Condition D54 is compliant.</p>		
D55	<p>Prior to the commencement of excavation/dewatering activity, the Applicant must prepare a detailed Dewatering Management Plan (DMP) which includes a suitable Groundwater Monitoring Plan (GWMP). The GWMP and DMP must be submitted to and approved by DPE Water prior to the</p>	<ul style="list-style-type: none"> • Interview with Mirvac on 23/01/24 • DMP • PMNSW letter to Mirvac, Re: Landowner’s Consent Application – LOC Reference Number: #11759, Address: Harbourside Shopping Centre, 2-10 Darling 	<p>The Auditors found in the 1st IEA that a DMP had been prepared with a GWMP although some details, such as the frequency of groundwater level monitoring, had not been determined when the DMP was issued. The DMP and GWMP had not been submitted to and approved by DPE Water. It was also noted by PMNSW in their Landowners Owner’s Consent to discharge treated groundwater to their existing stormwater assets in accordance with the DMP, that approval</p>	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	commencement of excavation activity.	<p>Drive, Darling Harbour, 20/12/22</p> <ul style="list-style-type: none"> Letter from DPE Water to Mirvac, Water Supply Works Approval [10WA124897], 17/08/23, with attached: <ul style="list-style-type: none"> NSW Government, Statement of Approval, Approval number 10WA124897, Expiry date 16/08/25 	<p>from the NSW Department of Natural Resources Access Regulator (NRAR) was required for the dewatering licence. As excavation had not commenced during the previous audit period, Condition D55 was considered compliant on the basis that the requirements would be met prior to commencement of excavation activity.</p> <p>Mirvac's RAR indicated that the 1st IEA recommendations were "<i>Noted, [and would] be in place prior to commencing of dewatering</i>".</p> <p>The DMP, including the GWMP, was not revised during the Audit Period. However, the DMP was issued to DPE Water, as referenced in the Water Supply Works Approval 10WA124897, Condition DK7839-00016, which is taken to indicate DPE Water approval of the DMP. The Water Supply Works Approval 10WA124897 requires continuous or daily measurements of groundwater levels under Condition DS7744-00001.</p> <p>Condition D55 is considered compliant based on the documentation provided.</p>		
TEMPORARY DEWATERING DURING CONSTRUCTION					
D56	Prior to discharging any water collected during excavation and construction into Council's stormwater drainage system, approval must be sought from Council's public domain unit. The DMP approved under Condition D55 must be submitted with an Application for Temporary Dewatering available to download on Council's website. Other options for dewatering include disposal to sewer with prior	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Interview with Mirvac and Delta Group on 03/07/23 Refer to Condition D55 Evidence PMNSW letter to Mirvac, Re: Landowner's Consent Application – LOC Reference Number: #11759, Address: Harbourside Shopping Centre, 2-10 Darling 	PMNSW granted Landowner's Consent to discharge treated groundwater to the existing Council stormwater assets in accordance with the DMP. The Landowner's Consent was issued prior to discharging any water collected during excavation and construction. Condition D55 is considered compliant.	Compliant	

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APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.	Drive, Darling Harbour, 20/12/22			
REVIEW OF DOCUMENTATION					
D57	<p>Prior to the issue of any construction certificate, or any preparatory, demolition or excavation works, whichever is the earlier, the following documentation shall be provided for review and endorsement by TfNSW:</p> <p>(a) Final geotechnical and structural report/drawings. Geotechnical reports should include any potential impact on the light rail corridor located adjacent to the subject development site, easement and substratum</p> <p>(b) Final construction methodology with construction details pertaining to structural support during excavation or ground penetration</p> <p>(c) Details of the vibration monitoring system that will be in place before excavation commences</p> <p>(d) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor located adjacent to the subject development site. Cross sectional drawings must include</p>	<ul style="list-style-type: none"> 1st IEA Site visit on 23/01/24 	<p>This Condition was assessed as compliant and completed during the 1st IEA.</p> <p>Implementation of the approved plans were observed by the Auditors through documentation provided and during the site visit.</p>	Not triggered	

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APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor, and (e) Detailed survey plan with location of services.				
BARRICADE PERMIT					
D58	Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 	Mirvac advised that no work has been carried out during the Audit Period that required a Barricade Permit and therefore, Condition D58 was not triggered.	Not triggered	
HOARDING					
D59	An application under section 138 of the Roads Act 1993 is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and/or in public domain areas and such application is to include: (a) architectural, construction and structural details of the design as well as any proposed artwork	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 	Mirvac advised that no additional hoarding and/or scaffolding has been required during the Audit Period and therefore, Condition D59 was not triggered.	Not triggered	

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APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(b) the proposed hoarding material and artwork shall be in accordance with Council's requirements and be submitted to PMNSW for approval (c) structural certification prepared and signed by an appropriately qualified practicing structural engineer.				
VEHICLE CLEANSING					
D60	Prior to the commencement of any works, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Site visit on 23/01/24 	During the site visit, Auditors observed a working wheel washing system currently employed during the time of the site visit as well as stabilised site access. The Auditors consider that suitable measures had been implemented to prevent tracking of sediment onto Darling Drive.	Compliant	
COMPLIANCE REPORTING					
D61	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements.		Compliance Reports are not required to be submitted until after operations have commenced in accordance with the Compliance Reporting Post Approval Requirements (2020).	Not triggered	
D62	Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed to by the Planning Secretary.			Not triggered	
D63	The Applicant must make each Compliance Report publicly			Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
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	available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.				
D64	Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.			Not triggered	
INSURANCE REQUIREMENTS					
D65	Prior to the commencement of any preparatory, demolition or excavation works, whichever is the earlier, the Applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. This insurance must not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure. The Applicant must contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant construction certificate, the Certifier must witness written proof of this insurance in conjunction with TfNSW's written	<ul style="list-style-type: none"> 1st IEA 	This Condition was assessed as compliant and completed during the 1 st IEA.	Not triggered	

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	advice to the Applicant on the level of insurance requirement.				
Part E – During Works					
APPROVED PLANS TO BE ON-SITE					
E1	A copy of the approved and certified plans, specifications and documents incorporating conditions of approval, modifications and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.	<ul style="list-style-type: none"> Site visit on 23/01/24 Interview with Mirvac and Delta Group on 23/01/24 Sighted Mirvac CEMP Rev L, 28/08/23, 23/01/24 Sighted SSD 38881729, 23/01/24 Sighted CPTMP, 23/01/24 Sighted CNVMP, 23/01/24 <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm CEMP Rev E, 13/12/23 	<p>Site personnel advised that copies of the approved and certified plans, specifications and documents incorporating conditions of approval and certification are electronically available onsite to all workers. Hard copies of approved plans (including CEMP and SSD 38881729) were available on-site.</p> <p>Following factual review, Mirvac provided a different and later version of the CEMP, being CEMP Rev E, 13/12/23. The Auditors note that the CEMP sighted during the site inspection was CEMP Rev L, 28/08/23. So the later CEMP Rev E, 13/12/23 was not available, at least in hardcopy, on the site.</p> <p>Recommendation: Ensure that the latest version of the CEMP is kept on the site and remove superseded CEMP versions to prevent confusion or misunderstanding.</p>	Compliant	
SITE NOTICE					
E2	A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Site visits on 16/01/24 and 23/01/24 Delta Group, Site Notice 	Delta Group Site Notices were observed during the site visit at several locations on the site boundary hoarding. A review of the Site Notices confirms Conditions E2(a) – (g) have been met. Superseded Site Notices from the Stage 1 demolition works had been removed.	Compliant	

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	(a) state the name, address and telephone number of the principal certifier for the work (b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints (c) state the approved hours of work (d) state that unauthorised entry to the work site is prohibited (e) the minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size (f) the notice is to be durable and weatherproof and is to be displayed throughout the works period (g) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.				
CONTACT TELEPHONE NUMBER					
E3	The 24-hour contact telephone number must be continually attended by a person(s) with authority over the works for the duration of the development.	<ul style="list-style-type: none"> https://harbourside.mirvac.com/the-project Site Notice Site visits on 16/01/24 and 23/01/24 	The Auditors found that Condition E3 was compliant in the 1 st IEA and based on the site visits, remained compliant. Although the Auditors noted that signs displaying the Community Consultation Contact 1800 Hotline number (1800 870 549) and email (consultation@ethosurban.com) were not sighted. However QR Codes linking to Mirvac’s project webpage were evident on the eastern hoarding along the public walkway. The Auditors make no further recommendation.	Compliant	

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APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
IMPLEMENTATION OF MANAGEMENT PLANS/COMPLIANCE WITH MANAGEMENT PLANS					
E4	<p>The Applicant must ensure the requirements and recommendations outlined in the following plans are complied with:</p> <p>(a) Updated Construction Environmental Management Plan and all appendices required by Condition D26</p> <p>(b) Construction Pedestrian and Traffic Management Sub-Plan required by Condition D27</p> <p>(c) Construction Noise and Vibration Management Sub-Plan required by Condition D32</p> <p>(d) Air Quality Management Sub-Plan required by Condition D33</p> <p>(e) Construction Waste Management Sub-Plan required by Condition D36</p> <p>(f) Construction Soil and Water Management Sub-Plan required by Condition D38</p> <p>(g) Site Security Management Plan required by Condition D39</p> <p>(h) Updated Archaeological Research Design and Excavation Methodology (ARDEM) required by Condition D43</p> <p>(i) Hazardous Materials Survey Report required by Condition D50</p> <p>(j) Ongoing Site Treatment Management Plan, prepared by Mirvac, revision B, dated 20 October 2022</p>	<ul style="list-style-type: none"> • Site visits on 16/01/24 and 23/01/24 • Interviews with Mirvac and Delta Group on 16/01/24 and 23/01/24 • Site visits on 16/01/24 and 23/01/24 • CEMP • CPTMP • CNVMP • AQMP • ARDEM • Waste Management Plan Template prepared by Mirvac, V0, 09/07/18 • Erosion and Sedimentation Control Plan prepared by at&I, 11/08/23 • Erosion and Sedimentation Control Details prepared by at&I, 11/08/23 • JBS&G, Hazardous Building Materials Survey, 18/06/22 • Remedial Action Plan prepared by JBS&G, Rev 0, 03/05/22 • Acid Sulfate Soil Management Plan prepared by JBS&G, Rev 1, 04/04/22 (ASSMP) • Ongoing Site Treatment 	<p>Based on the documentation reviewed, the site visits and interviews with Mirvac and Delta Group, implementation of the management plans has generally been undertaken in accordance with the consent conditions. However, recommendations have been identified either in relation to the management plan or its implementation. Refer to Conditions D26, D38 and E26 for the recommendations.</p>	Compliant	

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APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>(k) Remediation Action Plan prepared by JBS&G, reference 62851/145112 (Rev 0), dated 3 May 2022</p> <p>(l) Acid Sulphate Soils Management Plan prepared by JBS&G, reference 62851/144484 (Rev 1) dated 4 April 2022.</p>	<p>Management Plan prepared by Mirvac, Rev B, 20/10/22 (OSTMP)</p> <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm CEMP Rev E, 13/12/23 			
HOURS OF WORK					
E5	<p>All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with the commencement of work (e.g. loading and unloading of goods, transferring of tools, delivery of materials or machinery to and from the site), may only be carried out between the following hours:</p> <p>(a) between 7am and 7pm, Mondays to Fridays inclusive; and</p> <p>(b) between 7am and 3:30pm, Saturdays.</p>	<ul style="list-style-type: none"> Site visit on 23/01/24 Interview with Mirvac and Delta Group on 23/01/24 CEMP Rev L, 28/08/23 Site Notice Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – July 2023 Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – August 2023 Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – September 2023 Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – October 2023 	<p>Section 1.8 of the CEMP states the hours of operation consistent with this Condition. Construction hours are also specified on the Site Notice.</p> <p>Mirvac advised hours of construction have been compliant with the Consent Conditions. Vehicles, plant and materials have been delivered to site outside of approved hours of work in accordance with consent Conditions E7-E8 on a number of occasions, as evidenced by notifications to neighbours and in the Community Updates. There have been no community noise complaints except one in relation to late notification that was not the fault of Mirvac. Based on the available evidence, Condition E5 is considered compliant.</p>	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
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		<ul style="list-style-type: none"> • Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – November 2023 • Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – December 2023 and January 2024 • Mirvac letter to neighbours, Redevelopment of Harbourside, Re: Redevelopment of Harbourside - Early morning heavy vehicle delivery 17 July 2023, 07/07/23 • Mirvac letter to neighbours, Redevelopment of Harbourside, Re: Redevelopment of Harbourside - Early morning heavy vehicle delivery 27 October 2023, 20/10/23 • Complaints Register Harbourside by Mirvac: July 2023, August 2023, September 2023, October 2023, November 2023, December 2023 and January 2024 • Acoustic Logic, Harbourside, Noise Monitoring Reports 15 to 			

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		<p>21 - Murray Street Residents, for the period 21/08/23 to - 30/11/23</p> <ul style="list-style-type: none"> Acoustic Logic, Harbourside, Noise Monitoring Reports 15 to 22 - Sofitel, for the period 21/08/23 to 11/12/23 			
E6	No work may be carried out on Sundays or public holidays.	<ul style="list-style-type: none"> Refer to Condition E5 Evidence 	The Auditors have no evidence to suggest that Condition E6 was not complied with.	Compliant	
E7	Activities may be undertaken outside of these hours if required: (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.	<ul style="list-style-type: none"> Refer to Condition E5 Evidence 	Vehicles, plant and materials have been delivered to site outside of approved hours of work in accordance with consent Conditions E7-E8 on a number of occasions, as evidenced by notifications to neighbours and in the Community Updates. The Auditors understand that the road restrictions are required by the NSW Government and therefore, it is considered that condition E7 is triggered and compliant in relation to those types of deliveries. Based on the Complaints Register, no complaints were received about work undertaken outside of approved construction hours. Based on the available information, Condition E7 is considered compliant.	Compliant	
E8	Notification of activities undertaken in the circumstances in Condition E7 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.	<ul style="list-style-type: none"> Refer to Condition E5 Evidence 	Evidence of notification letters sent to neighbours for out of hours deliveries of vehicles, plant or materials was provided. Notifications are also provided in the Community Updates although specific dates are not always provided. One resident complained on 23/01/24 of lack of notice ahead of an early morning delivery, which was for two cranes. The Complaints Register indicated that Ethos Urban distributed the notification on 15/01/24 to approximately 200 email addresses including the facilities manager of the building where the resident lived. The resident's contact details were added to the notification distribution list.	Compliant	

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			On the basis of the documentation reviewed, the Auditors consider Condition E8 to be compliant.		
E9	The operation of high noise emission appliances, plant and/or machinery such as pile drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E and F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites and/or any other work generating high noise impact (i.e. work exceeding a NML of 75dB(A)) are restricted to the following hours: (a) 8am to 12pm, Monday to Friday; (b) 2pm to 5pm Monday to Friday; and (c) 9am to 12pm, Saturday.	<ul style="list-style-type: none"> Refer to Condition E5 Evidence 	<p>Section 1.8 of the CEMP indicates that high noise level work would only be carried out during the hours in accordance with this Condition. High noise level hours are also specified in the site induction for employees and subcontractors.</p> <p>A review of the noise monitoring reports provided indicates that five out of the seven occasions when the 'Highly Noise Affected Management Level' (HNAML) was exceeded occurred during the hours specified in Condition E9 for high noise impact work. However, on the 29/11/23 and 30/11/23, noise levels of ~78-79 dB(A) were recorded at about 6pm and 1pm, respectively. The source of the elevated noise levels at those times is not indicated in the noise monitoring report (Acoustic Logic, Harbourside, Noise Monitoring Report 21 – Murray Street Residents, 11/12/23).</p> <p>Overall, the Auditors consider Condition E9 is compliant but make a recommendation for improvement.</p> <p>Recommendation: Review records to assess the work activities conducted at the times of the HNAML exceedances on 29-30/11/23. Consider how the HNAML exceedances at those times could have been avoided and/or mitigated to prevent a re-occurrence of HNAML exceedances outside the Condition E9 timeframes.</p>	Compliant	
CONSTRUCTION NOISE LIMITS					
E10	All feasible and reasonable noise mitigation measures must be implemented to meet the construction noise management levels in the Interim Construction Noise Guideline (DECC, 2009). Any	<ul style="list-style-type: none"> Refer to Condition E5 Evidence 	Based on the noise monitoring reports provided for review, $L_{Aeq(15min)}$ noise levels intermittently exceeded the Highly Noise Affected Management Level (HNAML) of 75 dB(A) for short periods of approximately 30-60 minutes in any one day. The maximum noise level was approximately 79 dB(A).	Compliant	

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	activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the CNVMP required under Condition D32.		<p>There were no noise complaints recorded in the Complaints Register for the Audit Period.</p> <p>Although it does not appear to be recorded in the Complaints Register, Mirvac advised that Sofitel raised the noise of the dewatering treatment plant as a concern. Mirvac placed acoustic matting over the pump unit to dampen the noise, which was observed during the site visit.</p> <p>Mirvac advised that respite periods continue to be implemented. Condition E10 is considered compliant.</p> <p>The Auditors recommended in the 1st IEA as an opportunity for improvement that Mirvac consider whether further mitigation was required for noisier activities and to consider additional noise at a residency in the event of a community complaint. As no noise complaints have been received and the noise levels have generally improved with only intermittent and short duration exceedances of the HNAML, the additional mitigation and noise monitoring has not been required.</p>		
E11	The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.	<ul style="list-style-type: none"> • Site visit on 23/01/24 • Interview with Mirvac and Delta Group on 23/01/24 • Complaints Register Harbourside by Mirvac: July 2023, August 2023, September 2023, October 2023, November 2023, December 2023 and January 2024 	Based on available information and documentation, the Auditors have no reason to believe that Condition E11 has not been complied with during the Audit Period.	Compliant	
E12	The Applicant must implement, where practicable and without compromising the safety of construction staff or members of	<ul style="list-style-type: none"> • Interview with Mirvac and Delta on 23/01/24 • Site visit on 23/01/24 • CNVMP 	The CNVMP outlines the recommended construction noise level requirements during the development. As part of the assessment, the CNVMP takes into account truck movements entering the site (north along Darling Drive, where vehicles	Compliant	

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	the public, audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.	<ul style="list-style-type: none"> CEMP Rev L, 28/08/23 	perform a U-turn manoeuvre to be loaded) minimising the use of audible movement alarms. Mirvac have advised equipment working on site including excavators are reported to have audible alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers. On the basis of the above, the Auditors consider this condition has been met.		
E13	The immediately adjoining neighbours must be given a minimum of 48 hours' notice that excavation, shoring or underpinning works or use of high noise emission appliances/plant are about to commence.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – July 2023 Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – August 2023 Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – September 2023 Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – October 2023 Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – November 2023 Mirvac, Redevelopment of Harbourside Shopping Centre, Community Update – December 2023 and January 2024 	<p>Mirvac have advised that notice to adjoining neighbours is given during community update meetings which are undertaken monthly.</p> <p>As noted in the Condition E5 findings, there was one community noise complaint on 23/01/24 in relation to late notification of early morning heavy vehicle noise between 3-5am, which was related to the arrival of a crane. However, the complaint investigation found that "<i>Ethos Urban distributed [a] notification on 15/01/2024 about the delivery which was circulated to approximately 200 email addresses including the facilities manager of One Darling Harbour as per usual protocols, to be distributed to the residents of the building. [The complainant's] Contact details were added to the notification distribution list to receive future works notifications moving forward.</i>"</p> <p>The Auditors have no reason to believe that Condition E13 has not been complied with during the Audit Period.</p>	Compliant	
E14	Where all mitigation measures outlined in the CNVMP have been	<ul style="list-style-type: none"> Refer to Condition E5 Evidence 	There have been no community complaints, let alone sustained community complaints regarding noise or vibration	Not triggered	

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	implemented and the resultant noise and/or vibration levels at any sensitive receive still exceed the Council's applicable criteria stated in the Construction Hours Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with the Planning Secretary. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from the Planning Secretary prior to activities being undertaken that exceed sanctioned emission levels. Such periods must be set and agreed to by the Planning Secretary.		levels during the Audit Period. Therefore, Condition E14 is considered not triggered.		
E15	Any noise generated during construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed approved noise limits for the site.	<ul style="list-style-type: none"> Refer to Condition E5 Evidence <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 25/03/24 	The Auditors found in the 1 st IEA that Condition E15 was non-compliant because the CNVMP specified Noise Management Levels (NMLs), including the HNAML, which are taken to be the approved noise limits, were exceeded. The Auditors recommended that Mirvac endeavour to reduce noise levels below the approved noise limits and consider reviewing the noise limits or Condition C15 (should have been E15) requirements in consultation with DPE if the noise limits were considered unachievable. Mirvac's RAR indicated that the "noise limits were exceeded due to Darling Harbour being an active dining and entertainment precinct" and that the "limits were exceeded outside of construction hours". Whilst that was the case, the HNAML was exceeded during the daytime construction hours as well.	Non-compliant	NC4

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			<p>The Auditors note that the CNVMP predicted that the noise limits would be exceeded. Due to the wording of Condition E15 it is therefore highly likely, if not inevitable, that Condition E15 would be non-compliant at some stage during the Audit Period, which is why it was recommended that Mirvac review the noise limits or Condition E15 requirements in consultation with the Department. However, on further consideration, the Auditors understand that the noise limits cannot be changed but the wording of Condition E15 could be reviewed.</p> <p>The Auditors note that 'Noise Monitoring Report 21 - Murray Street Residents', indicated that the noise monitor was removed from that location on 30/11/23. A noise monitor is still located on the Sofitel premises but the noise levels are influenced by Sofitel activities.</p> <p>Based on the available documentation and nil complaints regarding noise levels, there is no evidence of offensive noise occurring during the Audit Period.</p> <p>Following factual review, Mirvac advised that the Acoustic Logic "<i>report clearly outlines that the limit is not a hard limit and if there are exceedances then there are further measures (such as respite which we have implemented at all times when undertaking highly noise intrusive works) that can be implemented</i>". Acoustic Logic's 'Noise Monitoring Report 21 - Murray Street Resident' (13-30/11/24) indicates that "<i>Exceedance of the noise management level is not necessarily prohibited, however is a trigger for providing mitigation measures for the control of noise from construction activities.</i>"</p> <p>The Auditors acknowledge that noise levels have reduced during this Audit Period and were generally below the HNAML</p>		

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			<p>during construction hours. However, due to the wording of this condition, Condition E15 remains non-compliant because noise levels exceeded the CNVMP specified noise management levels, including the HNAML, during daytime construction hours.</p> <p>Recommendation: Endeavour to reduce noise levels below the approved noise limits. Consider reviewing Condition E15 requirements in consultation with the Department if the noise limits are considered unachievable.</p>		
VIBRATION CRITERIA					
E16	<p>Vibration caused by works at any residence or structure outside the Site must be limited to:</p> <p>(a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999)</p> <p>(b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).</p>	<ul style="list-style-type: none"> • Interview with Mirvac on 23/01/24 • Site visit on 23/01/24 • CNVMP • CEMP Rev L, 28/08/23 • Mirvac, Vibration Monitoring, Sensor Layout (Level 00), Demolition Phase, MCPL_HS_GEOMOT_001_I00 Sensor Layout_rev00, 02/02/2023 • Geomotion Cloud, Vibration Monitors: Harbour Side- Level 00, Weekly Summary Report, Mirvac: <ul style="list-style-type: none"> ○ 2023-08-28 to 2023-09-04 • Complaints Register Harbourside by Mirvac: July 2023, August 2023, September 2023, 	<p>The CNVMP recommended that vibration be monitored during excavation at the twelve vibration receiver locations. The Auditors reviewed one weekly summary report. Whilst instantaneous readings did exceed the relevant criteria, in the case of Pyrmont Bridge on 28/08/23, there were no events where the continuous vibration criteria were exceeded continuously.</p> <p>Geomotion Cloud’s platform for the vibration monitoring system issues alerts to project personnel with traffic light action levels for the vibration levels.</p> <p>Following factual review, Mirvac provided more vibration monitoring reports for the period up to 04/09/23. There were a few occasions where there were vibration ‘alerts’ and results exceeded the ‘vibration limit criteria’ for the receiver: 03/08/23, 07-09/08/23; 28/08/23 (Location 1A – Pyrmont Bridge Pylon); 01/09/23 (Location 3C – Saltwater East); 02-04/08/23; 07-10/08/23; 28/08-01/09/23 (mainly Location 4C – Boardwalk North). Mirvac advised that whilst there were alerts, the vibrations were generally not sustained. No vibration monitoring reports were provided or made publicly available since 04/09/23.</p>	Compliant	

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		<p>October 2023, November 2023, December 2023 and January 2024</p> <p>Following factual review:</p> <ul style="list-style-type: none"> • Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm • Geomotion Cloud, Vibration Monitors: Harbour Side- Level 00, Weekly Summary Report, Mirvac: <ul style="list-style-type: none"> ○ 2023-07-03 to 2023-07-10 ○ 2023-07-10 to 2023-07-17 ○ 2023--07-17 to 2023-07-24 ○ 2023-07-31 to 2023-08-07 ○ 2023-08-07 to 2023-08-14 ○ 2023-08-14 to 2023-08-21 ○ 2023-08-21 to 2023-08-28 ○ 2023-08-28 to 2023-09-04 	<p>There have been no vibration complaints and although the vibration limit criteria may have been exceeded intermittently, particularly towards the northern end of the site near Pymont Bridge and the northern section of the boardwalk, there is no evidence of structural damage to Pymont Bridge or of human discomfort.</p> <p>Based on the information provided, the Auditors have no reason to believe that the development has not complied with Condition E16 requirements and consider Condition E16 is compliant.</p> <p>Recommendation: Continue to monitor vibration levels, unless appropriate justification is provided.</p>		

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E17	Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the CNVMP required by under Condition D32 of this consent.	<ul style="list-style-type: none"> • Interview with Mirvac on 23/01/24 • Site visit on 23/01/24 • CEMP Rev L, 28/08/23 • CNVMP 	A previous review of documentation suggested that no vibratory compactors will be used during the excavation works. Mirvac advised that a smooth drum roller was used to lay down the DGB road base over the southern portion of the site. Mirvac advised that no vibration alarms were triggered for the saltwater pipe. The Auditors have no evidence to suggest this Condition is not compliant.	Compliant	
E18	Vibration monitoring must be undertaken in accordance with the recommendations made in the CNVMP approved under Condition D32.	<ul style="list-style-type: none"> • Refer to Condition E16 Evidence 	Based on documentation provided, vibration monitoring is being undertaken in accordance with the CNVMP.	Compliant	
CONSTRUCTION LIGHTING					
E19	Any construction lighting must be designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.	<ul style="list-style-type: none"> • 1st IEA • Interview with Mirvac on 23/01/24 	The Auditors found Condition E19 was compliant in the 1 st IEA. Mirvac advised there has been changes to lighting during the Audit Period. Therefore, Condition E19 is compliant.	Compliant	
SAFework REQUIREMENTS					
E20	To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.	<ul style="list-style-type: none"> • Interview with Mirvac on 23/01/24 • Interview with Mirvac and JBS&G on 12/02/24 • Site visit on 23/01/24 • Drawing 1_1.jpg, Harbourside Hoarding Program Rev 2 • Gate locked.jpg 	Mirvac have advised the site is secured through hoarding and security cameras. The safety of work personnel and the public were observed during the site visit. No evidence of unsafe work was observed during the site visit. Mirvac advised there have been no security incidents during the Audit Period. Documentation reviewed indicates that asbestos work is being conducted in accordance with relevant SafeWork requirements. The Auditors consider Condition E20 is compliant.	Compliant	

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		<ul style="list-style-type: none"> N3-463 - QF 018-Ver.04 - Pre Shutdown Checklist - 20230609.pdf Security camera mark up - REV 3 240123_1.jpg JBS&G Letter to Mirvac, L049: Asbestos Clearance Certificate – Borehole BH04, Harbourside Shopping Centre Redevelopment Site, 2-10 Darling Drive, Sydney, NSW, 15/12/23 			
SHORING AND ADEQUACY OF ADJOINING PROPERTY					
E21	<p>If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person’s own expense –</p> <p>(a) Protect and support the building, structure or work from possible damage from the excavation, and</p> <p>(b) Where necessary, underpin the building, structure or work to prevent any such damage.</p> <p>This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the</p>	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Site visit on 23/01/24 	Mirvac advised that the excavation does not extend below the base of the footing of any adjacent structures.	Not triggered	

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	adjoining land has given consent in writing to this condition not applying.				
HOARDING AND FENCING REQUIREMENTS					
E22	The following hoarding requirements must be complied with: (a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing (b) the removal of all graffiti from any hoarding/fencing or the like within the construction area must be removed within 48 hours of its application.	<ul style="list-style-type: none"> • Interview with Mirvac on 23/01/24 • Site visit on 23/01/24 	During the site visit the Auditors observed that there was no third party advertising or graffiti on the hoarding. The Auditors have no evidence to believe that Condition E22 has not been complied with.	Compliant	
TREE PROTECTION					
E23	No street tree is to be trimmed or removed unless prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.	<ul style="list-style-type: none"> • Interview with Mirvac and Delta Group on 23/01/24 • Site visits on 16/01/24 and 23/01/24 	Mirvac have advised there have been no street trees surrounding the site that have been trimmed or damaged during the Audit Period. The Auditors observed no damage to the street trees during the site visit.	Not triggered	
E24	All street trees must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council.	<ul style="list-style-type: none"> • Interview with Mirvac and Delta Group on 23/01/24 • Site visit on 23/01/24 	Hoarding has been constructed around the perimeter of the site to prevent any damage to street trees during construction. Construction activities were not observed in the vicinity of the street trees around the outside of the southern perimeter of the site. The trees appeared to be in good health and not damaged during the site visits.	Compliant	
DUST CONTROL MEASURES					
E25	The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. In	<ul style="list-style-type: none"> • AQMP • CEMP Rev L, 28/08/23 • Interview with Mirvac and Delta Group on 23/01/24 	An AQMP was prepared and included as part of the CEMP which details measures to be implemented for dust control. Four continuous real-time particulate dust monitors measuring particles with a diameter of 10 micrometres or less (PM ₁₀) are established on the north, east, south and	Compliant	

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	<p>particular, the following measures must be implemented:</p> <p>(a) physical barriers erected at right angles to the prevailing wind direction or placed around and over dust sources to prevent wind or activity from generating dust emissions</p> <p>(b) all materials store or stockpiled are not to exceed 4 meters in height, are constructed and maintained to prevent cross contamination, include suitable erosion and sediment controls, and are covered, if necessary, to control emissions of dust and/or VOCs/odour</p> <p>(c) the surface dampened slightly to prevent dust from becoming airborne, but not to be wet to the extent that run-off occurs</p> <p>(d) all vehicles carrying spoil or rubble to or from the site covered to prevent dust or other materials escaping</p> <p>(e) all equipment wheels washed before existing the site using manual or automated sprayers and drive-through washing bays</p> <p>(f) gates closed between vehicle movements and fitted with shade cloth</p> <p>(g) cleaning of footpaths and roadways carried out regularly.</p>	<ul style="list-style-type: none"> • Interview with Mirvac and JBS&G on 12/02/24 • Site visits on 16/01/24 and 23/01/24 • Complaints Register Harbourside by Mirvac: July 2023, August 2023, September 2023, October 2023, November 2023, December 2023 and January 2024 <p>Property Risk Australia Pty Ltd (PRA) Weekly Dust Monitoring Reports:</p> <ul style="list-style-type: none"> ○ DM012 ○ DM013 ○ DM014 ○ DM15 ○ DM016 ○ DM018 ○ DM019 ○ DM020 ○ DM021 ○ DM023 ○ DM024 ○ DM025 	<p>west boundaries of the site. With the exception of a period impacted by hazard reduction burning, PM₁₀ dust levels were generally below the dust level guidelines values. However, there was a period during October 2023 when the dust levels at the western dust monitor were elevated and PRA recommended Delta Group review dust control measures in the western part of the site.</p> <p>During the site visit on 23/01/2, a large water mist cannon was observed in use directing mist along the western side of the main excavation area. No dust emissions were observed during the two site visits.</p> <p>During the site visit on 16/01/24 and following the recent rain where sediment had escaped the site under the hoardings at a few locations, the Lead Auditor observed workers cleaning the public footpath along the eastern side of the boundary and the road gutter in the vicinity of Darling Drive roundabout.</p> <p>In regard to condition E25(f), Mirvac have advised that gates are kept open if there are multiple vehicles movements during a specific period. However, no dust emissions were observed from the gates.</p> <p>Based on documentation provided, interviews and the site visits, the Auditors consider that Condition E25 requirements have generally been met</p>		

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EROSION AND SEDIMENT CONTROLS					
E26	All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.	<ul style="list-style-type: none"> Site visit on 16/01/24 (external only) Site visit on 23/01/24 Interviews with Mirvac and Delta Group on 16/01/24 and 23/01/24 CEMP Erosion and Sedimentation Control Plan prepared by at&l, 11/08/23 Erosion and Sedimentation Control Details prepared by at&l, 11/08/23 Email from Mirvac to DPE, Harbourside Bulk Excavation Works SSD 38881729 Incident Notification (Clause A.15 and A.16), 19/01/24 <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm CEMP Rev E, 13/12/23, with attached Appendix D: 	<p>Sediment entrained water was reported as observed in Darling Harbour on 15/01/24. It appears some sediment may have escaped the barriers (i.e. sediment fencing, coir logs and hoarding) surrounding the site indicating that the barriers were not entirely effective during a wet weather event (15/01/24, 62 mm recorded at Sydney Observatory Hill).</p> <p>Sediment entrained water was released to a street stormwater drain near the Darling Drive roundabout on 16/01/24 when the sediment control barriers had been temporarily removed for maintenance.</p> <p>During the site visit on 16/01/24 (external only), the Lead Auditor observed that site workers were cleaning the public footpath along the eastern boundary using a small street sweeper machine. Workers were also observed maintaining the sediment controls inside the hoarding (sediment fencing and coir logs). Another worker was sweeping the street gutter near the Darling Drive roundabout.</p> <p>The street stormwater drain that received the sediment entrained water on 16/01/24 had sediment controls in place, including mesh within the drain itself.</p> <p>The stormwater pit that the truck wash drains to had geotextile fabric in the pit but no geotextile sausages to prevent sediment entering the pit in accordance with the Erosion and Sediment Control Details drawing.</p> <p>Drain Wardens are used in some of the stormwater pits and are reportedly inspected and replaced weekly and sometimes more frequently (e.g. following wet weather).</p> <p>Following factual review, and as discussed in Condition D38 findings, Mirvac provided a different and later version of the CEMP, being CEMP Rev E, 13/12/23, which contained updated ESCP and ESCD drawings, as well as an 'Erosion and Sediment Control Design Certificate' by at&l. In their design</p>	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
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		<ul style="list-style-type: none"> ○ at&l letter to Mirvac, RE: 2-10 DARLING DRIVE, SYDNEY (SSDA 49295711) HARBOURSIDE SHOPPING CENTRE MAIN WORKS – EROSION AND SEDIMENT CONTROL DESIGN CERTIFICATE, 15/12/23 ○ at&l, CIV-DWG-OA-5000, Cover Sheet and Drawing List, Rev. A, 29/11/23 ○ at&l, CIV-DWG-OA-5001, General Notes and Legends, Rev. A, 29/11/23 ○ at&l, CIV-DWG-OA-5401, Erosion and Sedimentation Control Plan Sheet 1, Rev. A, 29/11/23 (ESCP Sheet 1) ○ at&l, CIV-DWG-OA-5401 A, Erosion and Sedimentation Control Plan Sheet 2, Rev. A, 29/11/23 (ESCP Sheet 2) ○ at&l, CIV-DWG-OA-5402, Erosion and Sedimentation 	<p>certificate, at&l indicate that the referenced Civil Engineering Plans meets the requirements of the Blue Book, which appears to be the case.</p> <p>Also refer to Condition D38 findings regarding the CSWMP/ESCP.</p> <p>Overall, the Auditors consider that erosion and sediment control measures are being effectively implemented and maintained the majority of the time.</p> <p>Also refer to Condition D38 recommendations.</p> <p>Recommendation: Continue to maintain the sediment and erosion controls so that they prevent discharges of sediment entrained water to Darling Harbour and stormwater drains. Ensure that geotextile sausages are used to prevent sediment entering the street stormwater pits, particularly near the truck wash. Consider how the process of maintaining the sediment controls, including equipment such as water hoses used for cleaning, can be improved so that stormwater drains remain protected when the sediment fencing and coir logs are temporarily removed.</p>		

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APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
		Control Details, Rev. A, 29/11/23 (ESCD)			
CUT AND FILL					
E27	While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the Site is managed in accordance with the following requirements: (a) all excavated material removed from the site must be classified in accordance with the EPA’s Waste Classification Guidelines before it is disposed of at an approved waste management facility and (b) the classification and the volume of material removed must be reported to the Certifier.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Interview with Mirvac and JBS&G on 12/02/24IAA No.3 JBS&G, L051 - Waste Classification (SP12) - Harbourside Sydney NSW (Rev 0).pdf, L051: Waste Classification (SP12) - Marine Sediments and Associated Fill (Treated PASS), Basement Envelope, Harbourside Development Site, Sydney, NSW, 05/12/23 23.12.21 N3-463 Material Tracking Register.xlsx, Material Tracking Register, Job: N3-463, 31/05/23 to 21/12/23 IAA No.3 <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 20/03/24, with attached: IEA Non-Compliance Review.xlsm 	<p>Documentation provided indicates that excavated material is classified in accordance with the EPA’s Waste Classification Guidelines prior to removal from site to approved waste management facilities in accordance with the RAP and Condition E27(a) requirements.</p> <p>No documentation has been provided to show that the waste classifications and the volume of material removed has been reported to the Certifier in accordance with Condition E27(b).</p> <p>Following factual review, Mirvac advised that Condition E27 was not triggered yet because the removal of fill was ongoing and the information on the classification and volume of the material removed from site would be reported to the Certifier at completion of construction. However, the Auditors disagree as the wording of Condition E27 is “<i>while building work is being carried out</i>”, which infers that the information should be provided to the satisfaction of the Certifier while the building work is being carried out, not at its completion. The Auditors note that the Material Tracking Register records the classification and quantities of material removed from the site but it does not include imported materials. For this reason, the Auditors consider Condition E27 non-compliant.</p> <p>Recommendation: Review and revise the Material Tracking Register to include imported material. Ensure that the waste classifications and tracking of volume of materials removed from or imported to the site are progressively reported to the Certifier while building work is being conducted.</p>	Non-compliant	NC5

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
E28	All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the EPA.	<ul style="list-style-type: none"> Refer to Condition D53 Evidence <p>Following factual review:</p> <ul style="list-style-type: none"> Mirvac email to Ramboll, RE: Harbourside Bulk Excavation Works, SSD 38881729 - Stage 2, Audit 2 - Draft Audit Table, 27/03/24 EPA website: https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/virgin-excavated-natural-material EPA website: https://app.epa.nsw.gov.au/prpoeoapp/default.aspx?range=POEO%20licences&searchrange=licence, Environment Protection Licence No. 77 	<p>Refer to the findings for Condition D53. DGB material was imported from Boral’s Dunmore Quarry without documentation certifying that it was VENM or material identified as being subject to a resource recovery exemption by the EPA. Based on JBS&G’s advice, it is considered highly likely that it was VENM but the Auditors are unable to verify this without sighting the certification or sample test results. Therefore, Condition E28 is considered non-compliant.</p> <p>Following factual review, Mirvac provided advice from JBS&G that the Boral Dunmore Quarry has an Environment Protection Licence No. 77 (EPL 77) for ‘Extractive activities’ and that according to the EPA website, “<i>extractive materials</i>” (as defined in the POEO Act, Schedule 1, clause 19) that are legally extracted from a quarry are not considered waste. Where this applies, the material is therefore not required to be classified under the waste classification process and does not require a VENM certificate”. On this basis, Condition E28 is considered compliant.</p>	Compliant	
STOCKPILES					
E29	All stockpiles of soil or other materials must: <ul style="list-style-type: none"> (a) not be placed on footpaths or nature strips unless prior approval has been obtained from Council (b) be placed away from drainage lines, gutters or stormwater pits or inlets. (c) be covered if likely to generate dust or odours 	<ul style="list-style-type: none"> Site visit on 23/01/24 Interview with Mirvac and Delta Group on 03/07/23 Interview with Mirvac and JBS&G on 12/02/24IAA No.3 CEMP Rev L, 28/08/23 AQMP 	Stockpiles observed during the site visit complied with Condition E29 requirements. The Auditors have no reason to believe this condition has not been complied with.	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
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	(d) if contaminated, be stored in a secure area and be covered if remaining for more than 24 hours.				
COVERING LOADS					
E30	All vehicles involved in the excavation and / or demolition process and departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.	<ul style="list-style-type: none"> Site visit on 23/01/24 Interview with Mirvac and Delta Group on 23/01/24 	No trucks were observed departing the site during the site visits. The Auditors have no reason to believe this condition has not been complied with.	Compliant	
DISPOSAL AND SEEPAGE AND STORMWATER					
E31	Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the Protection of the Environment Operations Act 1997. Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.	<ul style="list-style-type: none"> Site visit on 23/01/24 Interview with Mirvac and Delta Group on 23/01/24 PMNSW letter to Mirvac, Re: Landowner’s Consent Application – LOC Reference Number: #11759, Address: Harbourside Shopping Centre, 2-10 Darling Drive, Darling Harbour, 20/12/22 	<p>Rainwater, seepage and/or groundwater collected on the site is pumped to an on-site dewatering treatment plant before it is discharged to a street stormwater drain in the vicinity of the Darling Drive roundabout.</p> <p>PMNSW has granted permission to discharge the treated groundwater to the existing PMNSW stormwater assets in accordance with the DMP. The Auditors assume that water collected in the basement excavation, whether it be rainwater or seepage, as well as groundwater from dewatering, is pumped to the dewatering treatment plant.</p> <p>Mirvac has not sought EPA approval in writing prior to discharging seepage or rainwater collected on-site during construction or groundwater to the street stormwater system. Therefore, Condition E31 is non-compliant.</p> <p>Following factual review, Mirvac advised that they understand that PMNSW approval is the only approval required to pump seepage or rainwater collected on-site during construction or groundwater to the street stormwater system. However, Condition E31 requires separate EPA approval to pump seepage or rainwater collected on-site during construction or groundwater to the street stormwater system. As separate EPA approval has not been sought from</p>	Non-compliant	NC6

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APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
			<p>the EPA, or otherwise clarified, Condition E31 is considered non-compliant.</p> <p>Recommendation: Seek the EPA’s written approval to discharge seepage or rainwater collected on-site during construction or groundwater to the street stormwater system or confirm in writing from the EPA that EPA approval is not required.</p>		
E32	Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council’s stormwater drainage system or street gutter.	<ul style="list-style-type: none"> • Site visit on 23/01/24 • Interview with Mirvac on 23/01/24 • PMNSW letter to Mirvac, Re: Landowner’s Consent Application – LOC Reference Number: #11759, Address: Harbourside Shopping Centre, 2-10 Darling Drive, Darling Harbour, 20/12/22 	<p>Stormwater collects in the basement excavation. It also collects along the eastern boundary following heavy rain and may not have been fully contained on 15/01/24.</p> <p>Mirvac has sought and obtained PMNSW approval in writing “to discharge treated groundwater to the existing PMNSW Stormwater assets in accordance with the dewatering management plan”. Although rainwater / stormwater collected in the basement excavation is mixed with seepage/groundwater and treated in the dewatering treatment plant before discharge to the street stormwater system, the PMNSW LOC only permits the discharge of groundwater and does not mention or permit the discharge of stormwater to their stormwater assets. The Auditors understand that PMNSW conduct approximately monthly site inspections and would most likely be aware that the treated groundwater includes collected stormwater. On this basis, the Auditors consider Condition E32 to be compliant but recommend an opportunity for improvement recommendation to clarify the LOC to ensure that it also permits the discharge of site stormwater to the PMNSW stormwater assets.</p> <p>Recommendation: Seek PMNSW’s written approval to discharge site stormwater to the PMNSW stormwater assets as the current approval refers only groundwater.</p>	Compliant	

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APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
E33	A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the Roads Act 1993.	<ul style="list-style-type: none"> PMNSW letter to Mirvac, Re: Landowner's Consent Application – LOC Reference Number: #11759, Address: Harbourside Shopping Centre, 2-10 Darling Drive, Darling Harbour, 20/12/22 	PMNSW granted Land Owner's Consent for permission to discharge treated groundwater to the existing PMNSW stormwater assets in accordance with the DMP. Condition E33 is considered compliant.	Compliant	
CONSTRUCTION TRAFFIC					
E34	All construction vehicles are to be contained wholly within the Site, except if located in an approved on-street work zone, and vehicles must enter the Site before stopping.	<ul style="list-style-type: none"> Site visits on 16/01/24 23/01/24 Interview with Mirvac and Delta Group on 23/01/24 	Mirvac advised construction vehicles are contained within the site. No construction vehicles were observed located outside the site during the site visits, except a small street sweeper being used the clean the public footpath running along the eastern site boundary on 16/01/24. Condition E34 is considered compliant.	Compliant	
E35	All loading and unloading associated with the works must be accommodated on-site, unless in accordance with a Work Zone Permit (see Condition D11).	<ul style="list-style-type: none"> Site visits on 16/01/24 and 23/01/24 Interview with Mirvac and Delta Group on 23/01/24 Email from Mirvac to Ramboll, RE: Harbourside – Site Visit, 27/07/23 	Mirvac advised all loading and unloading are contained within the site. No loading or unloading activities were observed outside the site boundary during the site visits. Condition E35 is considered compliant.	Compliant	
ROAD OCCUPANCY LICENCE					
E36	A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 	Mirvac advised that no Road Occupancy Licence has been required during the Audit Period.	Not triggered	
NO OBSTRUCTION OF PUBLIC WAY					
E37	The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Site visits on 16/01/24 and 23/01/24 	The Auditors did not observe any obstructions of the public ways during the site visits.	Compliant	

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APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	may result in the issue of a notice by the Planning Secretary to stop all work on site.				
DAMAGE TO PUBLIC WAY					
E38	Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Site visits on 16/01/24 and 23/01/24 	No damage to the public way, footpaths and road reserves was observed during the site visits or reported by Mirvac.	Not triggered	
SYDNEY TRAINS REQUIREMENTS					
E39	Construction works should not impact the existing High Voltage Cable (33kv) located west of the subject site.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 	Mirvac advised the existing High Voltage Cable is located outside of the construction works and was not impacted by the construction works during the Audit Period.	Compliant	
TfNSW REQUIREMENTS					
E40	Construction vehicles shall not be stopped or parked on Darling Drive adjacent to the development at any time without prior approval of TfNSW.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Site visits on 16/01/24 and 23/01/24 	Mirvac has advised no construction vehicles have parked on Darling Drive and no prior approvals have been required from TfNSW. No construction vehicles were observed stopped or parked on Darling Drive during the site visits. The Auditors have no reason to believe that Condition E40 was not complied with.	Compliant	
E41	All piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Geotesta, Geotechnical Map Records- Western Wall 1, 08/12/23 Geotesta, Geotechnical Inspection of Rock Excavation, 21/12/23 	Mirvac advised a geotechnical engineer has been onsite during all piling and excavation works. Documentation has been provided to confirm a geotechnical engineer(s) inspected the site basement excavation on at least two occasions during the Audit Period.	Compliant	
E42	No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor without approval from TfNSW	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 	Mirvac advised no rock anchors/bolts will be installed into the light rail corridor.	Compliant	

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E43	During all stages of the development, extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant	<ul style="list-style-type: none"> • Interview with Mirvac on 23/01/24 • Site visit on 23/01/24 	Mirvac advised hoarding, a physical barrier, provides a barrier to pollution entering the light rail corridor.	Compliant	
E44	The Applicant must mitigate all noise and vibration to the extent possible and provide results to the Sydney Light Rail Operator at intervals required by TfNSW and the Sydney Light Rail Operator, and immediately implement corrective actions in the event that noise or vibration exceeds acceptable limits.	<ul style="list-style-type: none"> • Interview with Mirvac on 23/01/24 • Site visit on 23/01/24 	Mirvac advised continuous noise and vibration monitoring has been conducted during development. The Auditors observed the noise and vibration monitor during the site visit. Vibration levels have met the criteria for protection of the light rail. Mirvac advised that the Sydney Light Rail Operator and TfNSW have not required results to be provided to them during this Audit Period.	Compliant	
PROTECTION OF PUBLIC INFRASTRUCTURE					
E45	Unless the Applicant and the applicable authority agree otherwise, the Applicant must: (a) repair, or pay the full costs associated with repairing any public infrastructure that is damaged by the carrying out of the development; and (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.	<ul style="list-style-type: none"> • Interview with Mirvac on 23/01/24 • Site visit on 23/01/24 	Mirvac advised there has been no damage to public infrastructure during this Audit Period.	Not triggered	
UNCOVERING RELICS OR ABORIGINAL OBJECTS					

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APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
E46	<p>All works must cease immediately if a relic, Aboriginal object or archaeological deposits are unexpectedly discovered. The Applicant must notify PMNSW, as delegate of the NSW Heritage Council, in respect of a relic and notify the Planning Secretary and PMNW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning and Environment. If discovery is on Council's land, Council must be informed. In this condition:</p> <p>"relic" means any deposit, artefact, object or material evidence that:</p> <p>(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and</p> <p>(b) is of State or local heritage significance; and</p> <p>"Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal</p>	<ul style="list-style-type: none"> • Interview with Mirvac on 23/01/24 • Interview with Mirvac and Curio on 08/02/24 • Site visit on 23/01/24 	<p>No relics were unexpectedly discovered during the Audit Period. Relics were found during the archaeological open excavation investigations.</p> <p>No Aboriginal objects or archaeological deposits were unexpectedly discovered during the Audit Period. However, a natural rock platform was found during Curio's archaeological open excavation investigations. Curio and Mirvac engaged the Bila Group, specialist consultants in Aboriginal cultural heritage, to inspect the rock platform as well as shell fragments. They advised that the rock platform had cultural significance. They collected a number of the shell fragments. A representative of the Heritage Council of NSW visited the site during the archaeological open excavation investigations.</p> <p>Condition E46 is considered not triggered as the relics and the cultural significant rock platform were found during the archaeological open excavation investigations.</p>	Not triggered	

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	extraction and includes Aboriginal remains.				
E47	If any unexpected Aboriginal archaeological information is identified during the historic excavations, the procedures for Unexpected Aboriginal Archaeological Finds recommended in the report titled, Aboriginal Cultural Heritage Assessment Report (ACHAR), prepared by Curio Projects and dated July 2022, must be followed.	<ul style="list-style-type: none"> Interview with Mirvac and Curio on 08/02/24 	Mirvac has advised that potential Aboriginal archaeological information was identified during the archaeological open excavation investigations, however this did not trigger procedures under the ACHAR.	Not triggered	
NOTIFICATION – NEW CONTAMINATION EVIDENCE					
E48	The Planning Secretary must be notified of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.	<ul style="list-style-type: none"> Interview with Mirvac and JBS&G on 12/02/24 	Mirvac and JBS&G have advised there has been no new information related to contamination obtained during the Audit Period which required notification to DPE.	Not triggered	
ASBESTOS AND HAZARDOUS WASTE REMOVAL					
E49	The Applicant must ensure that any asbestos or hazardous waste encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including: (a) Work Health and Safety Regulation 2017;	<ul style="list-style-type: none"> Site visit on 23/01/24 Interview with Mirvac on 23/01/24 Interview with Mirvac and JBS&G on 12/02/24 Material Tracking Register.xlsx, Material Tracking Register, Job: N3-463, 31/05/23 to 21/12/23 JBS&G Letter to Mirvac, L049: Asbestos Clearance Certificate – Borehole 	An Asbestos Clearance Certificate was issued by JBS&G for an area in the vicinity of 'Borehole BH04'. The certificate indicates that the asbestos remediation works was conducted by a Licensed Asbestos Removal Contractor, supervised by the JBS&G representative who is a Licenced Asbestos Assessor. Asbestos fibre air monitoring was conducted during the removal works. The asbestos contaminated soil was stockpiled onsite while the laboratory analyses were being conducted. The stockpile was covered and fenced off with asbestos warning tape. A similar covered and fenced off stockpile was observed during the site visit.	Compliant	

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	(b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016; (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and Protection of the Environment Operations (Waste) Regulation 2014.	BH04, Harbourside Shopping Centre Redevelopment Site, 2-10 Darling Drive, Sydney, NSW, 15/12/23 <ul style="list-style-type: none"> JBS&G letter to Mirvac, AMR009: Airborne Asbestos Fibre Monitoring Report – Wednesday 15 November 2023, Harbourside Shopping Centre Redevelopment, 2-10 Darling Drive, Sydney, NSW, 16/11/23 	The Material Tracking Register indicates that asbestos in soil was disposed of to the 'Genesis' landfill. Evidence has not been provided to show that the asbestos contaminated soil was transported to the Genesis Landfill using the EPA's WasteLocate system, since replaced by the Integrated Waste Tracking Solution (IWTS), or that the Genesis Landfill was authorised to accept it, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014. The Auditors understand that the Genesis Landfill is now the Bingo Eastern Creek Landfill and it is licensed to accept asbestos waste. Overall, Condition E49 is considered compliant however, a recommendation has been made as an opportunity for improvement. Recommendation: Retain records to show that asbestos waste is disposed of to a facility authorised to accept it and that it is transported using the EPA's IWTS in accordance with the <i>Protection of the Environment Operations (Waste) Regulation 2014</i>.		
CONTAMINATION EVIDENCE					
E50	The Applicant must implement the Unexpected Finds Protocol outlined within the CEMP required by Condition D26 for the duration of works. Should any new information come to light during demolition which has the potential to alter previous conclusions about site contamination, the Planning Secretary must be immediately notified and works must cease. Works must not recommence on	<ul style="list-style-type: none"> Site visit on 23/01/24 Interview with Mirvac on 23/01/24 Interview with Mirvac and JBS&G on 12/02/24 Material Tracking Register.xlsx, Material Tracking Register, Job: N3-463, 31/05/23 to 21/12/23 CEMP Rev L, 28/08/23 Remedial Action Plan prepared by JBS&G, Rev 0, 03/05/22 	JBS&G advised that several unexpected finds of asbestos have been made during the Audit Period, which are reportedly managed in accordance with the Unexpected Finds Protocol. The Auditors recommended in the 1 st IEA as an opportunity for improvement that Mirvac / JBS&G maintain a register for unexpected finds. The Auditors understand JBS&G are maintaining unexpected finds records but the Auditors have not been provided with a register of the unexpected finds and they are not referred to in Delta Group's Incident Report Register.	Compliant	

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	the site until the Planning Secretary confirms works can recommence.		<p>No new information has emerged during the Audit Period with the potential to alter previous conclusions about site contamination.</p> <p>Condition E50 is considered compliant.</p> <p>Recommendation: If it hasn't already been done, prepare and implement a register for unexpected finds which includes the associated documentation required for unexpected finds including, but not limited to, inspection reports, clearance certificates, air monitoring records, transport records and waste disposal documentation.</p>		
INDEPENDENT ENVIRONMENTAL AUDIT					
E51	Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.	<ul style="list-style-type: none"> This Audit Report DPE letter to Mirvac, Harbourside Bulk Excavation - first Independent Environmental Audit Report (2023), 30/10/23 Emails between Mirvac and DPE, RE: Harbourside - Bulk Excavation Site Audit Visit, 05/12/23 DPE letter to Mirvac, Harbourside Bulk Excavation Works – Second Independent Environmental Audit extension request, 15/03/24 	<p>The Department reviewed the 1st IEA report and considered <i>"the IEA report to generally satisfy the reporting requirements of the consent and the IAPAR, except for the absence of specific references to opening and closing meetings and the lack of all completed auditor declaration forms being included in the appendices"</i>.</p> <p>This Audit has been carried out generally in accordance with Condition E51 and the Independent Audit Post Approval Requirements (2020) (IAPAR 2020). The Department's comments have been addressed with inclusion of further information on the opening and closing meetings and completed auditor declaration forms for all of the Audit Team.</p> <p>The Department approved a different timing for this Audit as discussed in Condition E53 findings. The Department also approved an extension for submitting the Independent Audit Report and RAR, as discussed in Condition E55 findings.</p> <p>On the basis of the above, Condition E51 is considered compliant.</p>	Compliant	
E52	Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the	<ul style="list-style-type: none"> Letter from DPE to Mirvac, Harbourside Bulk Excavation Works – 	DPE approved the audit team for the second audit of Stage 2 works as a part of the Harbourside Shopping Centre	Compliant	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	commencement of an Independent Audit.	Independent Environmental Audit team re-endorsement request, 07/12/23	Redevelopment project prior to the commencement of this Audit.		
E53	The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.	<ul style="list-style-type: none"> Interview with Mirvac on 23/01/24 Emails between Mirvac and DPE, RE: Harbourside - Bulk Excavation Site Audit Visit, 05/12/23 	<p>Mirvac requested the Department to consider allowing this Audit to be undertaken at a different time to the IAPAR 2020 schedule. The 1st IEA site visit was conducted on 03/07/23 so the site visit for this Audit would be due to be carried out by 01/01/24, which falls within the site's year-end shutdown period. Consequently, the Department "required the next Independent Audit to be undertaken from the week commencing 8 January 2024". The Department's different timing approval is attached in Appendix E.</p> <p>The Auditors note that the site visit was scheduled for 16/01/24 as key project personnel were not returning from leave in sufficient time. However, following heavy rainfall on the 14-15/01/24 that resulted in a release of sediment, Mirvac requested that the site visit be delayed as site personnel were busy cleaning the site. The Lead Auditor requested and it was agreed that the site visit would proceed but it would be limited to an inspection of the site perimeter and the Lead Auditor would not enter the site. A second site visit was conducted a week later on 23/01/24.</p> <p>Overall, Condition E53 is considered compliant as the site visits were carried out from the week commencing 8 February, albeit not within that week.</p>	Compliant	
E54	In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:	<ul style="list-style-type: none"> RAR DPE letter to Mirvac, Harbourside Bulk Excavation - first Independent Environmental Audit Report (2023), 30/10/23 	<p>Mirvac prepared a RAR that was submitted to DPE with the Independent Audit Report on 08/09/23. The Independent Audit Report was made publicly available on the Harbourside Community Website but the RAR was not made available within 60 days of its submission to the Department. Condition E54 is therefore, non-compliant.</p>	Non-compliant	NC7

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	(a) review and respond to each Independent Audit Report prepared under this consent; (b) submit the response to the Planning Secretary; and (c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.	<ul style="list-style-type: none"> https://harboursidecommunity.mirvac.com/community-information 	<p>The Auditors note that the RAR for the 1st IEA is now publicly available.</p> <p>Recommendation: Implement a process to ensure that both the Independent Audit Report and the RAR are made publicly available at the same time and within 60 days of submission to the Department.</p>		
E55	Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.	<ul style="list-style-type: none"> Site visit on 16/01/24 (external only) Site visit on 23/01/24 DPE letter to Mirvac, Harbourside Bulk Excavation Works (Stage 2) – First Independent Environmental Audit report request for extension of time for submission, 28/08/23 DPE letter to Mirvac, Harbourside Bulk Excavation Works – First Independent Environmental Audit (2023), 30/10/23 DPE letter to Mirvac, Harbourside Bulk Excavation Works – Second Independent Environmental Audit extension request, 15/03/24 	<p>The Department approved an extension for submission of the Independent Audit Report and the RAR for the 1st IEA on 08/09/23. The 1st IEA Independent Audit Report and the RAR were submitted to the Department on 08/09/23 in accordance with the approved extension.</p> <p>This Independent Audit Report and RAR are due to be submitted by 23/03/24, which is within two months of the main site inspection. Mirvac requested an extension for submitting the Independent Audit Report and RAR by 28/03/24, which the Department approved on 15/03/24. The extension approvals are attached in Appendix E.</p>	Compliant	
E56	Notwithstanding the requirements of the Independent Audit Post		Operation of the development has not commenced.	Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	Approvals Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.				
Part F- Post Excavation and Construction					
SITE MAINTENANCE					
F1	Following completion of the works associated with this consent, the site must be maintained so it is safe, secure and does not give rise to dust, erosion, stormwater or other environmental impacts. This must include implementation of: (a) the Construction Environmental Management Plan required by Condition D26; (b) the Ongoing Site Treatment Management Plan, prepared by Mirvac, revision B, dated 20 October 2022; and (c) any other measures necessary to prevent adverse impacts until the next stage of works commence.			Not triggered	
POST CONSTRUCTION DILAPIDATION REPORT					
F2	If stage 3 works have not commenced within a 6-month period from the completion of works associated with this consent, a post-excavation dilapidation			Not triggered	

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
	<p>survey must be prepared by a suitably qualified engineer and undertaken on all relevant buildings, infrastructure and roads within the 'zone of influence', detailing whether:</p> <p>(a) after comparing the pre-excavation dilapidation report to the post-excavation dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, infrastructure or roads; and</p> <p>(b) where there has been structural damage to any adjoining buildings, infrastructure or roads, that it is a result of the building work approved under this development consent; and</p> <p>(c) relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads. If damage caused by works associated with this consent is determined, the Applicant must rectify the damage in consultation with adjoining landowners to the satisfaction of the Certifier.</p>				

Table A: Compliance with SSD 38881729, Stage 2					
APPROVAL (ID)	REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC #
SURVEY INFRASTRUCTURE					
F3	Upon completion of excavation and construction works, a registered surveyor must submit documentation to the principal certifier which demonstrates that: (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.			Not triggered	
ARCHAEOLOGY					
F4	Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to PMNSW, Heritage NSW, Council and the Planning Secretary within one month of the completion of excavation and construction works.			Not triggered	

APPENDIX B AUDIT TEAM

Our ref: SSD-38881729-PA-11

Oliver Maxwell
Development Manager
Mirvac Retail Sub SPV Pty Ltd
Level 28, 200 George Street
Sydney NSW 2000

07/12/2023

Sent via the Major Projects Portal only

Subject: Harbourside Bulk Excavation Works – Independent Environmental Audit team re-endorsement request

Dear Mr Maxwell

I refer to your request (SSD-38881729-PA-11) on 1 December 2023 for the Secretary's re-endorsement of suitably qualified persons to undertake the second Independent Environmental Audit (**IEA**) and report for the Harbourside Bulk Excavation Works project, SSD 38881729 (**consent**).

The NSW Department of Planning and Environment (**NSW Planning**) has reviewed the revised nominations and remains satisfied that these experts are suitably qualified and experienced. Consequently, I can advise that the Secretary approves the re-appointment of the team detailed below to prepare the second IEA and all future IEAs for the remainder of the demolition/construction stage of the project.

In accordance with Condition E52 of the consent and the *Independent Post Approval Requirements* (department 2020) (**IAPAR**), the Secretary has agreed to re-endorse the following audit team from Ramboll Australia Pty Ltd:

- Emily Rowe as lead auditor; and
- Victoria Sedwick as alternative lead auditor.

Please ensure that this correspondence is appended to future IEA reports as evidence of appointment.

The IEA reports must be prepared, undertaken and finalised in accordance with Conditions E51, E54 and E55 of the consent and the IAPAR. Failure to meet these requirements will require revision and re-submission.

Please note that this is an agreement for the audit team listed above for the project's demolition/construction stage only. If there are any changes to the approved audit organisation, and/or the audit team members, a new request must be submitted and agreed to by the Secretary prior to the commencement of the relevant IEA.

For all future stages of the project, you must submit a request for a different audit organisation and team to be approved by the Secretary, where required under the consent and the IAPAR, for each stage.

Should you wish to discuss the matter further, please contact Samuel Condon, Senior Compliance Officer, on (02) 8275 1169 or email compliance@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read "G. Peters Shaw".

Gabriel Peters Shaw

A/ Team Leader Compliance - Metro

As nominee of the Planning Secretary

APPENDIX C INDEPENDENT AUDIT DECLARATION FORMS

INDEPENDENT AUDIT DECLARATION FORM


Project Name:	Harbourside Bulk Excavation Works
Consent Number:	SSD 38881729
Description of Project:	Slab demolition, bulk excavation works and construction of retaining structures to facilitate the redevelopment of the Harbourside Shopping Centre.
Project Address:	2-10 Darling Drive, Darling Harbour and Lot 1-10, 12-15 and 17, DP 776815, Part Lot 2015, DP 1234971 and Lot 300, DP 836419.
Proponent:	Mirvac Retail Sub SPV Pty Ltd
Title of Audit:	Independent Environmental Audit 2, SSD 38881729, Harbourside Bulk Excavation Works, Darling Harbour
Date:	28 March 2024

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- the Audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Post Approval Requirements (Department 2020)*;
- the findings of the Audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the Audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the Audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this Audit except as otherwise declared to the Department prior to the Audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes :

- Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both).

Name of Auditor:	Emily Rowe
Signature:	
Qualification:	B Eng (Chemical) Exemplar Global Lead Auditor Certificate No.204997
Company:	Ramboll Australia Pty Ltd
Company Address:	PO Box 560, North Sydney NSW 2060

INDEPENDENT AUDIT DECLARATION FORM


Project Name: Harbourside Bulk Excavation Works
Consent Number: SSD 38881729
Description of Project: Slab demolition, bulk excavation works and construction of retaining structures to facilitate the redevelopment of the Harbourside Shopping Centre.
Project Address: 2-10 Darling Drive, Darling Harbour and Lot 1-10, 12-15 and 17, DP 776815, Part Lot 2015, DP 1234971 and Lot 300, DP 836419.
Proponent: Mirvac Retail Sub SPV Pty Ltd
Title of Audit: Independent Environmental Audit 2, SSD 38881729, Harbourside Bulk Excavation Works, Darling Harbour
Date: 28 March 2024

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- the Audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Post Approval Requirements (Department 2020)*;
- the findings of the Audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the Audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the Audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this Audit except as otherwise declared to the Department prior to the Audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes :

- a) Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both).

Name of Auditor: Victoria Sedwick
Signature: 
Qualification: Master of Engineering Science
Exemplar Global Lead Auditor Certificate No.13180
Company: Ramboll Australia Pty Ltd
Company Address: PO Box 560, North Sydney NSW 2060

INDEPENDENT AUDIT DECLARATION FORM


Project Name: Harbourside Bulk Excavation Works
Consent Number: SSD 38881729
Description of Project: Slab demolition, bulk excavation works and construction of retaining structures to facilitate the redevelopment of the Harbourside Shopping Centre.
Project Address: 2-10 Darling Drive, Darling Harbour and Lot 1-10, 12-15 and 17, DP 776815, Part Lot 2015, DP 1234971 and Lot 300, DP 836419.
Proponent: Mirvac Retail Sub SPV Pty Ltd
Title of Audit: Independent Environmental Audit 2, SSD 38881729, Harbourside Bulk Excavation Works, Darling Harbour
Date: 28 March 2024

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- the Audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Post Approval Requirements (Department 2020)*;
- the findings of the Audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the Audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the Audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this Audit except as otherwise declared to the Department prior to the Audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes :

- a) Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both).

Name of Auditor: Jenny Auld
Signature: 
Qualification: B Adv Sc (Hons)
Company: Ramboll Australia Pty Ltd
Company Address: PO Box 560, North Sydney NSW 2060

APPENDIX D

SITE INSPECTION PHOTOGRAPHS



Photo 1: View from Pyrmont Bridge looking south across the western half of the site. 16/01/24

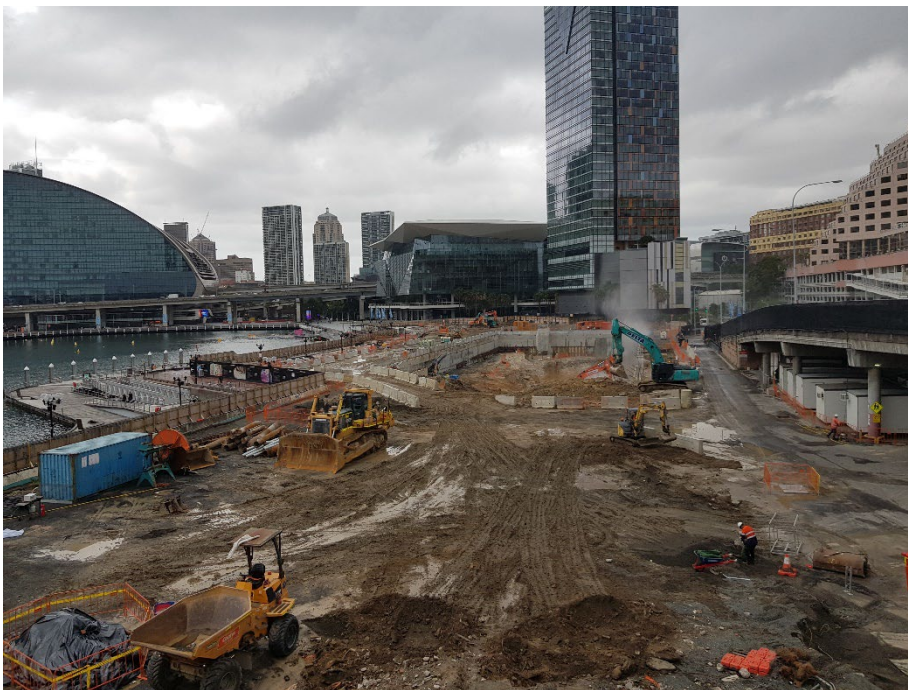


Photo 2: View from Pyrmont Bridge looking south across the site. 16/01/24


Title: Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.: 318001755-002	Date: 28/03/24
Site: Harbourside Bulk Excavation, Darling Harbour		
Client: Mirvac Projects Pty Ltd		



Photo 3: View from Pymont Bridge looking at the northern section of the Boardwalk and Darling Harbour. 16/01/24

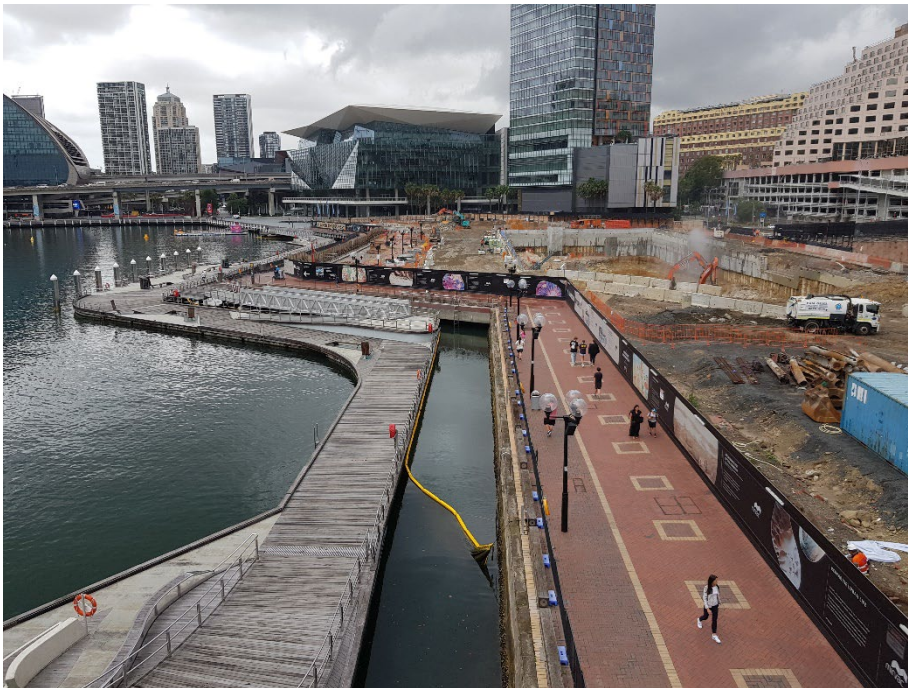


Photo 4: View from Pymont Bridge looking south along the eastern site boundary with the public boardwalk and Darling Harbour. The yellow silt curtain is visible in the water. 16/01/24


Title:	Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.:	Date:
Site:	Harbourside Bulk Excavation, Darling Harbour	318001755-002	28/03/24
Client:	Mirvac Projects Pty Ltd		



Photo 5: Darling Harbour water quality at northern end of boardwalk. 16/01/24



Photo 6: View of the silt curtain and southern section of Darling Harbour, looking west towards the site. 16/01/24



Title: Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.: 318001755-002	Date: 28/03/24
Site: Harbourside Bulk Excavation, Darling Harbour		
Client: Mirvac Projects Pty Ltd		



Photo 7: Looking south along the public boardwalk. A site worker is cleaning the boardwalk with a small street sweeper cleaning machine. 16/01/24



Photo 8: A gate in the hoarding along the boardwalk where the coir log is visible in the gap beneath the gate. 16/01/24

Title:	Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.:	Date:
Site:	Harbourside Bulk Excavation, Darling Harbour	318001755-002	28/03/24
Client:	Mirvac Projects Pty Ltd		

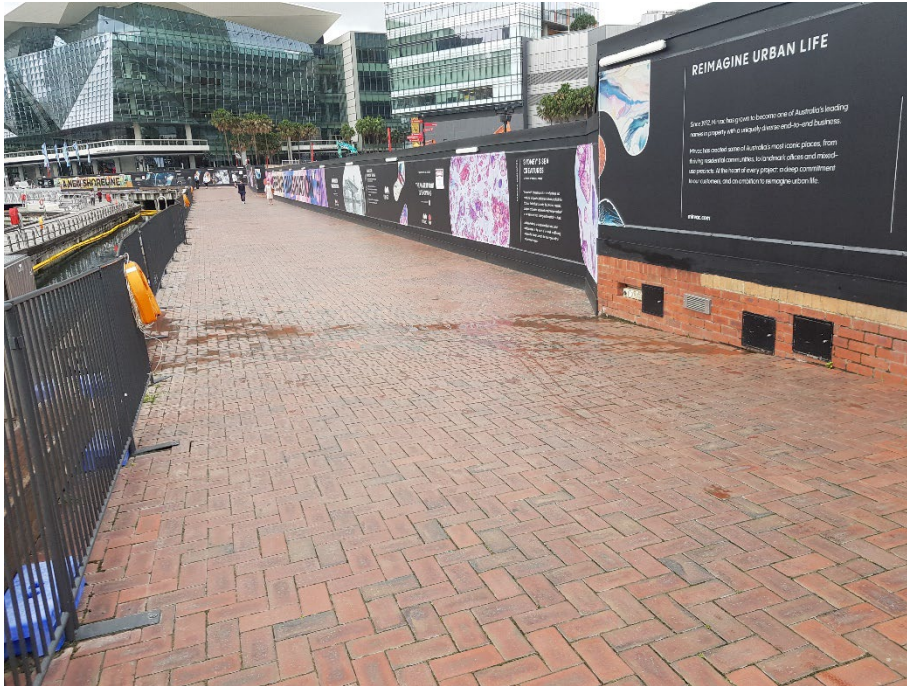


Photo 9: Looking south along the boardwalk and eastern site boundary. Minor seepage from the site's brick wall site that appeared clean. 16/01/24



Photo 10: View to the west along the southern site boundary. The street trees appeared to be unharmed. 16/01/24


Title: Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.: 318001755-002	Date: 28/03/24
Site: Harbourside Bulk Excavation, Darling Harbour		
Client: Mirvac Projects Pty Ltd		



Photo 11: Street trees in the plaza to the south of the site boundary that appeared to be unharmed. 16/01/24



Photo 12: View to the north along the western site boundary. A site worker on the right in the distance was sweeping the street gutter. 16/01/24


Title:	Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.:	Date:
Site:	Harbourside Bulk Excavation, Darling Harbour	318001755-002	28/03/24
Client:	Mirvac Projects Pty Ltd		



Photo 13: The street stormwater drain where the treated water from the Dewatering Treatment Plant discharges to the PMNSW stormwater system. Sediment controls were in place. 09:44 16/01/24



Photo 14: Sediment release from the site beneath the hoarding due to a burst water hose. 09:45 16/01/24


Title: Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.: 318001755-002	Date: 28/03/24
Site: Harbourside Bulk Excavation, Darling Harbour		
Client: Mirvac Projects Pty Ltd		



Photo 15: Additional sediment controls were placed against the hoarding and the volume of water had decreased and appeared clearer. 09:49 16/01/24



Photo 16: The same stormwater drain a week later with additional sediment controls. 23/01/24


Title:	Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.:	Date:
Site:	Harbourside Bulk Excavation, Darling Harbour	318001755-002	28/03/24
Client:	Mirvac Projects Pty Ltd		



Photo 17: Closer view of the sediment controls and geotextile mesh protecting the drain. 23/01/24



Photo 18: Stabilised truck entry under construction. 23/01/24


Title:	Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.:	Date:
Site:	Harbourside Bulk Excavation, Darling Harbour	318001755-002	28/03/24
Client:	Mirvac Projects Pty Ltd		



Photo 19: New truck and wheel wash at the site's exit. 23/01/24



Photo 20: A street stormwater drain that the truck wheel wash drains towards, which was missing a geotextile sausage to prevent sediment entering the drain. 23/01/24


Title: Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.:	Date:
Site: Harbourside Bulk Excavation, Darling Harbour	318001755-002	28/03/24
Client: Mirvac Projects Pty Ltd		



Photo 21: View from the western side of the site looking to the southeast across the basement excavation. A large water misting cannon was in use for dust mitigation. 23/01/24



Photo 22: View from the western side of the site looking to the northeast across the basement excavation. A smaller water spray cannon was in use for dust mitigation. 23/01/24


Title: Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.: 318001755-002	Date: 28/03/24
Site: Harbourside Bulk Excavation, Darling Harbour		
Client: Mirvac Projects Pty Ltd		



Photo 23: Continuous particulate (PM₁₀) dust monitor along the eastern boundary of the site. 23/01/24



Photo 24: View to the south along the eastern site boundary hoarding showing the sediment controls that were maintained during the preceding week. 23/01/24


Title: Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.: 318001755-002	Date: 28/03/24
Site: Harbourside Bulk Excavation, Darling Harbour		
Client: Mirvac Projects Pty Ltd		



Photo 25: View to the south along the eastern site boundary hoarding showing the sediment controls that were maintained during the preceding week. The site level is lower along some parts of the eastern boundary. 23/01/24



Photo 26: View to the southeast along the eastern site boundary hoarding showing the sediment controls that were maintained during the preceding week. The site level is lower along some parts of the eastern boundary 23/01/24


Title: Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.: 318001755-002	Date: 28/03/24
Site: Harbourside Bulk Excavation, Darling Harbour		
Client: Mirvac Projects Pty Ltd		



Photo 27: Continuous particulate (PM₁₀) dust monitor in the south-western corner of the site. 23/01/24



Photo 288: The plant (cranes) that arrived earlier in the morning outside construction hours. Dark grey/black imported fill spread across the southern portion of the site. 23/01/24


Title:	Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.:	Date:
Site:	Harbourside Bulk Excavation, Darling Harbour	318001755-002	28/03/24
Client:	Mirvac Projects Pty Ltd		



Photo 29: Part of the Dewatering Treatment Plant located near the south-western boundary. Water treatment chemicals stored on a pallet bund. Black acoustic matting visible on top of the generator unit for noise mitigation. Dark grey/black imported fill visible in the foreground. 23/01/24



Photo 30: Coates Environmental Engineer and Electrician maintaining the Dewatering Treatment Plant. 23/01/24


Title:	Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.:	Date:
Site:	Harbourside Bulk Excavation, Darling Harbour	318001755-002	28/03/24
Client:	Mirvac Projects Pty Ltd		



Photo 31: The discharge hose line for the Dewatering Treatment Plant, in the vicinity of where the burst hose and sediment release occurred on 16/07/24. The sediment control have been replaced. 23/01/24



Photo 32: Flammable liquids cabinet near the north-astern corner of the site with a continuous particulate (PM₁₀) dust monitor to the right and Pymont Bridge in the background. 23/01/24


Title:	Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.:	Date:
Site:	Harbourside Bulk Excavation, Darling Harbour	318001755-002	28/03/24
Client:	Mirvac Projects Pty Ltd		



Photo 33: View to the north across the basement excavation. 23/01/24



Photo 34: Water collected in the south-western corner of the basement excavation. 23/01/24


Title: Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.:	Date:
Site: Harbourside Bulk Excavation, Darling Harbour	318001755-002	28/03/24
Client: Mirvac Projects Pty Ltd		



Photo 35: A stockpile of asbestos contaminated soil located in the northern part of the site. 23/01/24



Photo 36: A waste skip of general solid waste containing miscellaneous construction waste. 23/01/24


Title: Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.: 318001755-002	Date: 28/03/24
Site: Harbourside Bulk Excavation, Darling Harbour		
Client: Mirvac Projects Pty Ltd		



Photo 37: Sandstone blocks and timber pylons salvaged during the archaeological excavations and stored in the north-western corner of the site. 23/01/24



Photo 38: Site Notice on display. 23/01/24



Title: Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.: 318001755-002	Date: 28/03/24
Site: Harbourside Bulk Excavation, Darling Harbour		
Client: Mirvac Projects Pty Ltd		



Photo 39: View from Pyrmont Bridge looking southwest towards the site. 23/01/24



Photo 40: View from Pyrmont Bridge looking south across the site. Dust mitigation in operation. Covered and fenced soil stockpile containing asbestos in the foreground, as well as a larger stockpile of imported material. 23/01/24

Title:	Independent Environmental Audit 2, SSD 38881729, Stage 2	Project-No.:	Date:
Site:	Harbourside Bulk Excavation, Darling Harbour	318001755-002	28/03/24
Client:	Mirvac Projects Pty Ltd		

APPENDIX E DEPARTMENT APPROVALS AND CONSULTATION

NSW Planning ref: SSD-38881729-PA-14

Oliver Maxwell
Development Manager
Mirvac Retail Sub SPV Pty Ltd
Level 28, 200 George Street
Sydney NSW 2000

15/03/2024

Sent via the Major Projects Portal only

Subject: Harbourside Bulk Excavation Works – Second Independent Environmental Audit extension request

Dear Mr Maxwell

I refer to your request for an extension of time to submit the second Independent Environmental Audit (**IEA**) Report and Response to Audit Recommendations (**RAR**) (SSD-38881729-PA-14), submitted to the NSW Department of Planning, Housing and Infrastructure (**NSW Planning**) on 14 March 2024.

NSW Planning notes that the reason for the request is that the review and final issue of the IEA report and RAR has been delayed due to illness with the project's approved lead auditor.

In accordance with Schedule 2, Condition E55 of SSD 38881729, the Planning Secretary has granted an extension of time for submission of the second IEA report and RAR until **28 March 2024**.

Please ensure that a copy of this extension is included in the final IEA report.

Should you wish to discuss the matter further, please contact Samuel Condon, Senior Compliance Officer, on (02) 8275 1169 or email compliance@planning.nsw.gov.au

Yours sincerely



Julia Pope
Team Leader Compliance - Metro
Compliance



As nominee of the Planning Secretary

Emily Rowe

From: Gabriel Peters Shaw <gabriel.petersshaw@dpie.nsw.gov.au>
Sent: Tuesday, 5 December 2023 2:48 PM
To: Sam Condon; Oliver Maxwell
Cc: Larissa Tomlin
Subject: RE: Harbourside - Bulk Excavation Site Audit Visit



Dear Mr Maxwell,

I refer to your request to postpone the site audit for the next Independent Audit for the Harbourside Bulk Excavation project, SSD 38881729 (the consent). In the circumstances given the proximity of the originally scheduled site visit and audit commencement to the end of year holiday period, NSW Planning does not object to the request.

Accordingly pursuant to Schedule 2, Condition E53 of the consent, as nominee of the Planning Secretary I require the next Independent Audit to be undertaken from the week commencing 8 January 2024.

Please ensure that this correspondence is attached to the audit.

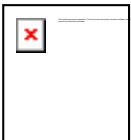
Please note that NSW Planning will also be issuing the audit team approval this week, and this approval shall also be for the remainder of the construction stage. Future approvals will not be required Ramboll during this stage, however a different team will be required once the project completes and transitions to operations.

Please give Samuel Condon, Senior Compliance Officer, a call on (02) 8275 1169 if you have any questions.

Regards,

Gabriel Peters Shaw
A/ Team Leader Compliance - Metro

Planning & Assessment | Department of Planning and Environment
T 02 8837 6395 | **M** 0499421171 | **E** gabriel.petersshaw@dpie.nsw.gov.au
Locked Bag 5022 | PARRAMATTA NSW 2124
www.dpie.nsw.gov.au



The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via compliance@planning.nsw.gov.au.

From: Sam Condon <Samuel.Condon@planning.nsw.gov.au>
Sent: Tuesday, 5 December 2023 2:35 PM
To: Oliver Maxwell <oliver.maxwell@mirvac.com>
Cc: Larissa Tomlin <larissa.tomlin@mirvac.com>
Subject: RE: Harbourside - Bulk Excavation Site Audit Visit

Good afternoon Oliver,

Condition E53 allows the Planning Secretary to require the audits to occur at different dates to those under the 2020 IAPAR, and we can consider and accommodate in the circumstances.

I will discuss with my Team Leader and get something back to you.

Regards

Samuel Condon
Senior Compliance Officer

Compliance | Department of Planning and Environment
T 02 8275 1169 | E samuel.condon@planning.nsw.gov.au
4 Parramatta Square | Locked Bag 5022 | 12 Darcy Street, Parramatta NSW 2124
www.dpie.nsw.gov.au



The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via compliance@planning.nsw.gov.au.

The Department has upgraded the Major Projects Website to improve the timeliness and transparency of its post approval and compliance functions. As part of this upgrade, proponents are now requested to submit all post approval and compliance documents online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).

From: Oliver Maxwell <oliver.maxwell@mirvac.com>
Sent: Tuesday, 5 December 2023 2:28 PM
To: Sam Condon <Samuel.Condon@planning.nsw.gov.au>
Cc: Larissa Tomlin <larissa.tomlin@mirvac.com>
Subject: Harbourside - Bulk Excavation Site Audit Visit

Hi Sam,

Hope you have been well!

Due to availability of key personnel in the busy lead up to the year-end shutdown we are writing to request a delay of the site audit visit, which is currently scheduled for 13 December, until a more suitable time in the new year. We are just concerned about our ability for our key personnel to take the time to provide the necessary focus for a comprehensive site audit at this time.

Given the site visit should be conducted within 26 weeks of the previous site visit (03/07/2023), this would technically fall on the 02/01/2024.

We have confirmed with Ramboll that they have availability in the week commencing 08/01/2024 to conduct the site visit.

Please don't hesitate to call if you'd like to discuss.

Kind Regards,

Oliver Maxwell

Development Manager

Commercial & Mixed Use Development

M: +61 466794818

Level 28, 200 George Street Sydney NSW 2000 Australia

Electronic Data Transmission Disclaimer



Mirvac acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Owners of the lands and waters of Australia, and we offer our respect to their Elders.

Our ref: SSD-38881729-PA-5

Oliver Maxwell
Development Manager
Mirvac Retail Sub SPV Pty Ltd
ABN 34 122 863 521
Level 28, 200 George Street
Sydney NSW 2000

28/08/2023

Subject: Harbourside Bulk Excavation Works (Stage 2) – First Independent Environmental Audit report request for extension of time for submission

Dear Mr Maxwell

I refer to your request (SSD-38881729-PA-5) for an extension of time to submit the first Independent Environmental Audit (**IEA**) report and response for the Harbourside Bulk Excavation Works project (**project**) pursuant to SSD 38881729 (**consent**), submitted to the NSW Department of Planning Environment (**NSW Planning**) on 23 August 2023.

NSW Planning notes that the request is due to the project's independent auditors requesting further time to complete the report and then for the project to prepare its response to the findings, and the extension is relatively short in duration to allow for this further assessment.

In accordance with Schedule 2, Condition E55 of the consent, as nominee of the Planning Secretary I agree to an extension of time until **8 September 2023** for submission of the first IEA report and response.

Should you wish to discuss the matter further, please contact Samuel Condon, Senior Compliance Officer on (02) 8275 1169 or email compliance@planning.nsw.gov.au

Yours sincerely



Julia Pope
Team Leader Compliance - Metro
Compliance



As nominee of the Planning Secretary

Our ref: SSD-38881729-PA-11

Oliver Maxwell
Development Manager
Mirvac Retail Sub SPV Pty Ltd
Level 28, 200 George Street
Sydney NSW 2000

07/12/2023

Sent via the Major Projects Portal only

Subject: Harbourside Bulk Excavation Works – Independent Environmental Audit team re-endorsement request

Dear Mr Maxwell

I refer to your request (SSD-38881729-PA-11) on 1 December 2023 for the Secretary's re-endorsement of suitably qualified persons to undertake the second Independent Environmental Audit (**IEA**) and report for the Harbourside Bulk Excavation Works project, SSD 38881729 (**consent**).

The NSW Department of Planning and Environment (**NSW Planning**) has reviewed the revised nominations and remains satisfied that these experts are suitably qualified and experienced. Consequently, I can advise that the Secretary approves the re-appointment of the team detailed below to prepare the second IEA and all future IEAs for the remainder of the demolition/construction stage of the project.

In accordance with Condition E52 of the consent and the *Independent Post Approval Requirements* (department 2020) (**IAPAR**), the Secretary has agreed to re-endorse the following audit team from Ramboll Australia Pty Ltd:

- Emily Rowe as lead auditor; and
- Victoria Sedwick as alternative lead auditor.

Please ensure that this correspondence is appended to future IEA reports as evidence of appointment.

The IEA reports must be prepared, undertaken and finalised in accordance with Conditions E51, E54 and E55 of the consent and the IAPAR. Failure to meet these requirements will require revision and re-submission.

Please note that this is an agreement for the audit team listed above for the project's demolition/construction stage only. If there are any changes to the approved audit organisation, and/or the audit team members, a new request must be submitted and agreed to by the Secretary prior to the commencement of the relevant IEA.

For all future stages of the project, you must submit a request for a different audit organisation and team to be approved by the Secretary, where required under the consent and the IAPAR, for each stage.

Should you wish to discuss the matter further, please contact Samuel Condon, Senior Compliance Officer, on (02) 8275 1169 or email compliance@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read "G. Peters Shaw".

Gabriel Peters Shaw

A/ Team Leader Compliance - Metro

As nominee of the Planning Secretary

Emily Rowe

From: Vanessa Perkins
Sent: Thursday, 16 November 2023 11:26 AM
To: Emily Rowe; David Ford
Subject: FW: Harbourside Shopping Centre (SSD 38881729) - Independent Environmental Audit 2

FYI see below.. I thought we had endorsement?

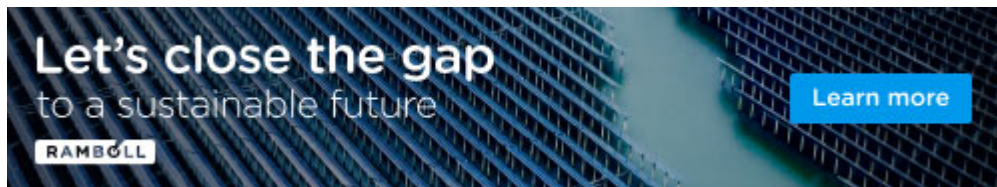
Kind regards
Vanessa Perkins

Lead Consultant
3182678 - Sydney Consulting

D +61 2 9954 8100
M 0413 382 066
vperkins@ramboll.com

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Level 3
100 Pacific Highway
PO Box 560
North Sydney
NSW 2060
Australia
<https://ramboll.com>

Ramboll Australia Pty Ltd.
ACN 095 437 442
ABN 49 095 437 442



Classification: Confidential

From: Sam Condon <Samuel.Condon@planning.nsw.gov.au>
Sent: Thursday, 16 November 2023 11:25 AM
To: Vanessa Perkins <vperkins@ramboll.com>
Subject: RE: Harbourside Shopping Centre (SSD 38881729) - Independent Environmental Audit 2

You don't often get email from samuel.condon@planning.nsw.gov.au. [Learn why this is important](#)

Good morning Vanessa,

The Department has yet to receive a request for re-endorsement of Ramboll Australia Pty Ltd and the previously approved team from Mirvac pursuant to Condition E52 of SSD 38881729 and Section 3.1.2 of the IAPAR to carry out the 2nd Independent Environmental Audit (IEA). This requirement was detailed in the Department's previous approval letter for the 1st IEA dated 29 June 2023.

The 2nd IEA cannot commence until this approval is granted, and accordingly I cannot at this stage provide consultation.

I will contact Mirvac today to clarify the matter and try to avoid any issues from the 2nd IEA commencing and accordingly provide consultation as soon as is practicable.

Regards

Samuel Condon
Senior Compliance Officer

Compliance | Department of Planning and Environment
T 02 8275 1169 | E samuel.condon@planning.nsw.gov.au
4 Parramatta Square | Locked Bag 5022 | 12 Darcy Street, Parramatta NSW 2124
www.dpie.nsw.gov.au



The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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The Department has upgraded the Major Projects Website to improve the timeliness and transparency of its post approval and compliance functions. As part of this upgrade, proponents are now requested to submit all post approval and compliance documents online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).

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From: Vanessa Perkins <vperkins@ramboll.com>
Sent: Thursday, 16 November 2023 9:16 AM
To: DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>
Subject: Harbourside Shopping Centre (SSD 38881729) - Independent Environmental Audit 2

To whom this may concern,

Please find attached a request for consultation regarding the Harbourside Shopping Centre (SSD 38881729) for the purpose of an Independent Environmental Audit (IEA).

Please let us know you have any questions.

Kind regards
Vanessa Perkins

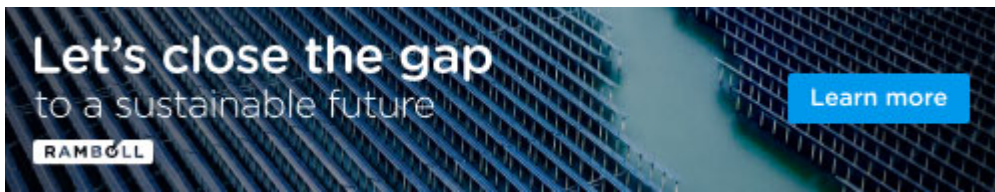
Lead Consultant
3182678 - Sydney Consulting

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Australia
<https://ramboll.com>

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ACN 095 437 442
ABN 49 095 437 442



Classification: Confidential

16 November 2023

Department of Planning and Environment
4 Parramatta Square
12 Darcy Street Parramatta NSW 2150

Attention: compliance@planning.nsw.gov.au

Dear Sir/Madam,

**RE: Harbourside Shopping Centre (SSD 38881729) Independent Environmental Audit 2
Request for Consultation with DPE**


Ramboll Australia Pty Ltd (Ramboll) has been engaged by Mirvac Projects Pty Ltd to conduct a 2nd Independent Environmental Audit of the Harbourside Shopping Centre (Stage 2 Harbourside Bulk Excavation Works) at Darling Harbour, NSW, as required under SSD 38881729. The Audit Team is seeking to consult with the Department of Planning and Environment, to obtain its input into the scope of the audit in accordance with Condition E51 of SSD 38881729 and the *Independent Audit Post Approval Requirements* (DPE, 2020).

Ramboll requests that you provide your requirements to Emily Rowe (erowe@ramboll.com; 0434 180 346) for the purpose of this consultation. We would greatly appreciate a prompt response.

Please contact the undersigned if you have any queries.

Yours faithfully,

Ramboll Australia Pty Ltd



Emily Rowe (Lead Auditor)
Managing Consultant

Ramboll Australia Pty Ltd
Level 3, 100 Pacific Highway
PO Box 560
North Sydney NSW 2060

T +61 2 9954 8100
www.ramboll.com

Ref: 318001577-002

Emily Rowe

From: Matt Davidson <Matthew.Davidson@epa.nsw.gov.au>
Sent: Monday, 27 November 2023 8:23 AM
To: Emily Rowe
Subject: Harbourside Shopping Centre - SSD 38881729 - IEA 2 - Stage 2 - EPA response
Attachments: Request for Consultation - IEA 2 - Harbourside Shopping Centre - Stage 2 - SSD 38881729 - EPA response.pdf

You don't often get email from matthew.davidson@epa.nsw.gov.au. [Learn why this is important](#)

Hi Emily,

Please find attached an EPA response to your request for consultation on Independent Environmental Audit 2 for Stage 2 of Harbourside Shopping Centre Stage 2 – SSD 38881729.

Thank you,

Matt Davidson
Operations
NSW Environment Protection Authority
D 02 4224 4104 | M 0439 816 542



www.epa.nsw.gov.au @NSW_EPA

The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past, present and emerging



Report pollution and environmental incidents 131 555 or +61 2 9995 5555

This email is intended for the addressee(s) named and may contain confidential and/or privileged information. If you are not the intended recipient, please notify the sender and then delete it immediately. Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the Environment Protection Authority.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL



Our Ref:DOC23/1003281-1

Ms Emily Rowe
Ramboll Australia Pty Ltd
PO Box 560
NORHT SYDNEY NSW 2060

By email: erowe@ramboll.com

27 November 2023

Dear Ms Rowe

**Harbourside Shopping Centre (Stage 2 Harbourside Bulk Excavation Works) – SSD 38881729
Second Independent Environmental Audit - Request for Consultation with EPA**

I am writing in response to your letter dated 16 November 2023 seeking to consult with the NSW Environment Protection Authority (EPA) on the above audit in accordance with major project approval conditions for SSD 38881729 (Consent).

During the SSD planning process for the proposal, the EPA provided the Department of Planning, Industry and Environment (DPIE) with a number of responses to requests (latest dated 23 February 2023) where we advised that the EPA had no comment on the proposal and that no further consultation was required. This was based on:

- the proposal did not constitute a Scheduled Activity under Schedule 1 of the *Protection of the Environment Operations Act 1997* (Act) and so, will not require an Environment Protection Licence under the Act;
- the proposal was not being undertaken by or on behalf of a NSW Public Authority, nor were there activities for which the EPA is the appropriate regulatory authority; and
- the site is not being regulated by the EPA under the *Contaminated Land Management Act 1997*.

The EPA understands that the Consent has been issued and the development is now at Stage 2, being bulk excavation works. We have previously received requests for consultation on an Independent Environmental Audit (IEA) of Stage 1 of the development and a first IEA of Stage 2.

On 15 August 2023, the EPA provided a response to your request for consultation on the first IEA for Stage 2 (EPA reference DOC23/711141-1). In this letter, we referenced our previous correspondence to DPIE (EPA reference DOC22/623042-5) and provided the following additional guidance:

1. the proponent retains primary responsibility for the environmental performance of its project and activities carried on at the premises. The onus is on the proponent to ensure compliance with relevant Acts and associated regulations. This includes but is not limited to the *Protection of the Environment Operations Act 1997* and *Contaminated Lands Act 1997*.
2. given the nature of the project (bulk earthworks) key environmental issues appear to include:
 - a. contaminated land management

Phone 131 555
Phone 02 9995 5555
(from outside NSW)

TTY 133 677, then
ask for 131 155

Locked Bag 5022
PARRAMATTA
NSW 2124

6 & 8 Parramatta
Square 10 Darcy Street
PARRAMATTA
NSW 2150

info@epa.nsw.gov.au
www.epa.nsw.gov.au
ABN 43 692 285 758

- b. waste assessment, classification, and management
- c. prevention of water pollution

Further information can be found on the EPA website at <https://www.epa.nsw.gov.au/>

3. Environmental Management Plans should be reviewed and updated on a regular basis. This should include consideration of complaint and incident handling, compliance tracking and reporting as well as the outcomes of any independent environmental audits.

The EPA is not the appropriate regulatory authority in relation to the development and did not provide comment during the planning process. Additionally, the Consent does not appear to require consultation with the EPA on IEAs and any additional guidance from the EPA on bulk excavation works at the development, as previously provided, is unlikely to change.

As such, the EPA does not consider it necessary to be consulted during any future IEAs for the development.

If you have any questions, please contact Matthew Davidson on 02 4224 4104.

Yours sincerely



CRAIG PATTERSON
A/Unit Head Operations

16 November 2023

NSW Environment Protection Authority

info@epa.nsw.gov.au

Dear Sir/Madam,

**RE: Harbourside Shopping Centre (SSD 38881729) Independent Environmental Audit 2
Request for Consultation with the EPA**

Ramboll Australia Pty Ltd (Ramboll) has been engaged by Mirvac Projects Pty Ltd to conduct a 2nd Independent Environmental Audit of the Harbourside Shopping Centre (Stage 2 Harbourside Bulk Excavation Works) at Darling Harbour, NSW, as required under SSD 38881729. The Audit Team is seeking to consult with the NSW Environment Protection Authority, to obtain its input into the scope of the audit in accordance with Condition E51 of SSD 38881729 and the *Independent Audit Post Approval Requirements* (DPE, 2020).

Ramboll requests that you provide your requirements to Emily Rowe (erowe@ramboll.com; 0434 180 346) for the purpose of this consultation. We would greatly appreciate a prompt response.

Ramboll Australia Pty Ltd
Level 3, 100 Pacific Highway
PO Box 560
North Sydney NSW 2060

T +61 2 9954 8100
www.ramboll.com

Ref: 318001577-002

Please contact the undersigned if you have any queries.

Yours faithfully,

Ramboll Australia Pty Ltd



Emily Rowe (Lead Auditor)
Managing Consultant

Emily Rowe

From: Mia Music <MMusic@cityofsydney.nsw.gov.au>
Sent: Monday, 20 November 2023 9:14 AM
To: Vanessa Perkins
Cc: Emily Rowe
Subject: RE: Harbourside Shopping Centre (SSD 38881729) - Independent Environmental Audit 2

You don't often get email from mmusic@cityofsydney.nsw.gov.au. [Learn why this is important](#)

Hi Vanessa,

Thank you for your email. Confirming that the City have so far had no major issues/complaints regarding noise or traffic construction impacts regarding the above development.

Kind regards,

Mia Music
Senior Planner
Planning Assessments



Telephone: +612 9246 7283
cityofsydney.nsw.gov.au



The City of Sydney acknowledges the Gadigal of the Eora nation as the Traditional Custodians of our local area.

Classification: Confidential

From: Vanessa Perkins <vperkins@ramboll.com>
Sent: Thursday, November 16, 2023 9:19 AM
To: Mia Music <MMusic@cityofsydney.nsw.gov.au>
Cc: Emily Rowe <EROWE@ramboll.com>
Subject: Harbourside Shopping Centre (SSD 38881729) - Independent Environmental Audit 2

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Mia,

Please find attached a request for consultation regarding the Harbourside Shopping Centre (SSD 38881729) for the purpose of an Independent Environmental Audit (IEA).

Please let us know you have any questions.

Kind regards
Vanessa Perkins

Lead Consultant
3182678 - Sydney Consulting

D +61 2 9954 8100
M 0413 382 066
vperkins@ramboll.com

Ramboll
Level 3
100 Pacific Highway
PO Box 560
North Sydney
NSW 2060
Australia
<https://ramboll.com>

Ramboll Australia Pty Ltd.
ACN 095 437 442
ABN 49 095 437 442



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16 November 2023

Mia Music
City of Sydney

MMusic@cityofsydney.nsw.gov.au

Dear Mia,

**RE: Harbourside Shopping Centre (SSD 38881729) Independent Environmental Audit 2
Request for Consultation with City of Sydney**

Ramboll Australia Pty Ltd (Ramboll) has been engaged by Mirvac Projects Pty Ltd to conduct a 2nd Independent Environmental Audit of the Harbourside Shopping Centre (Stage 2 Harbourside Bulk Excavation Works) at Darling Harbour, NSW, as required under SSD 38881729. The Audit Team is seeking to consult with the City of Sydney, to obtain its input into the scope of the audit in accordance with Condition E51 of SSD 38881729 and the *Independent Audit Post Approval Requirements* (DPE, 2020).

Ramboll requests that you provide your requirements to Emily Rowe (erowe@ramboll.com; 0434 180 346) for the purpose of this consultation. We would greatly appreciate a prompt response.

Ramboll Australia Pty Ltd
Level 3, 100 Pacific Highway
PO Box 560
North Sydney NSW 2060

T +61 2 9954 8100
www.ramboll.com

Ref: 318001577-002

Please contact the undersigned if you have any queries.

Yours faithfully,
Ramboll Australia Pty Ltd



Emily Rowe (Lead Auditor)
Managing Consultant

Emily Rowe

From: Vanessa Perkins
Sent: Thursday, 16 November 2023 9:23 AM
To: antonio.goncalves@property.nsw.gov.au
Cc: Emily Rowe
Subject: Harbourside Shopping Centre (SSD 38881729) - Independent Environmental Audit 2
Attachments: Ramboll_Request for PMNSW Consultation_SSD 38881729_16 Nov 2023.pdf

Hi Antonio,

Please find attached a request for consultation regarding the Harbourside Shopping Centre (SSD 38881729) for the purpose of an Independent Environmental Audit (IEA).

Please let us know you have any questions.

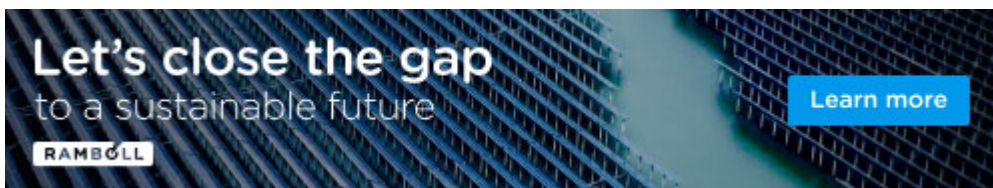
Kind regards
Vanessa Perkins

Lead Consultant
3182678 - Sydney Consulting

D +61 2 9954 8100
M 0413 382 066
vperkins@ramboll.com

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<https://ramboll.com>

Ramboll Australia Pty Ltd.
ACN 095 437 442
ABN 49 095 437 442



16 November 2023

Antonio Goncalves
Place Management NSW

antonio.goncalves@property.nsw.gov.au

Dear Antonio,

**RE: Harbourside Shopping Centre (SSD 38881729) Independent Environmental Audit 2
Request for Consultation with Place Management NSW**

Ramboll Australia Pty Ltd (Ramboll) has been engaged by Mirvac Projects Pty Ltd to conduct a 2nd Independent Environmental Audit of the Harbourside Shopping Centre (Stage 2 Harbourside Bulk Excavation Works) at Darling Harbour, NSW, as required under SSD 38881729. The Audit Team is seeking to consult with the Place Management NSW, to obtain its input into the scope of the audit in accordance with Condition E51 of SSD 38881729 and the *Independent Audit Post Approval Requirements* (DPE, 2020).

Ramboll requests that you provide your requirements to Emily Rowe (erowe@ramboll.com; 0434 180 346) for the purpose of this consultation. We would greatly appreciate a prompt response.

Ramboll Australia Pty Ltd
Level 3, 100 Pacific Highway
PO Box 560
North Sydney NSW 2060

T +61 2 9954 8100
www.ramboll.com

Ref: 318001577-002

Please contact the undersigned if you have any queries.

Yours faithfully,
Ramboll Australia Pty Ltd



Emily Rowe (Lead Auditor)
Managing Consultant

Emily Rowe

From: Vanessa Perkins
Sent: Thursday, 16 November 2023 9:22 AM
To: 'bilal.m.zreika@transport.nsw.gov.au'
Cc: Emily Rowe
Subject: Harbourside Shopping Centre (SSD 38881729) - Independent Environmental Audit 2
Attachments: Ramboll_Request for TfNSW Consultation_SSD 38881729_16 Nov 2023.pdf

Hi Bilal,

Please find attached a request for consultation regarding the Harbourside Shopping Centre (SSD 38881729) for the purpose of an Independent Environmental Audit (IEA).

Please let us know you have any questions.

Kind regards

Vanessa Perkins

Lead Consultant
3182678 - Sydney Consulting

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M 0413 382 066
vperkins@ramboll.com

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Ramboll Australia Pty Ltd.
ACN 095 437 442
ABN 49 095 437 442



16 November 2023

Bilal Zreika
Transport for NSW

bilal.m.zreika@transport.nsw.gov.au

Dear Bilal,

**RE: Harbourside Shopping Centre (SSD 38881729) Independent Environmental Audit 2
Request for Consultation with Transport for NSW**

Ramboll Australia Pty Ltd (Ramboll) has been engaged by Mirvac Projects Pty Ltd to conduct a 2nd Independent Environmental Audit of the Harbourside Shopping Centre (Stage 2 Harbourside Bulk Excavation Works) at Darling Harbour, NSW, as required under SSD 38881729. The Audit Team is seeking to consult with Transport for NSW, to obtain its input into the scope of the audit in accordance with Condition E51 of SSD 38881729 and the *Independent Audit Post Approval Requirements* (DPE, 2020).

Ramboll requests that you provide your requirements to Emily Rowe (erowe@ramboll.com; 0434 180 346) for the purpose of this consultation. We would greatly appreciate a prompt response.


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Ref: 318001577-002

Please contact the undersigned if you have any queries.

Yours faithfully,
Ramboll Australia Pty Ltd



Emily Rowe (Lead Auditor)
Managing Consultant

Emily Rowe

From: Vanessa Perkins
Sent: Thursday, 16 November 2023 9:20 AM
To: tim.walton@transdev.com.au
Cc: Emily Rowe
Subject: Harbourside Shopping Centre (SSD 38881729) - Independent Environmental Audit 2
Attachments: Ramboll_Request for Transdev Consultation_SSD 38881729_16 November 2023.pdf

Hi Tim,

Please find attached a request for consultation regarding the Harbourside Shopping Centre (SSD 38881729) for the purpose of an Independent Environmental Audit (IEA).

Please let us know you have any questions.

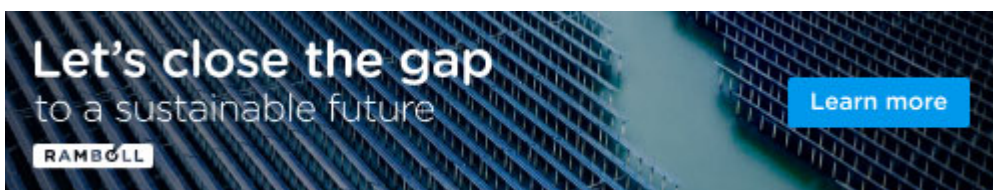
Kind regards
Vanessa Perkins

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Classification: Confidential

16 November 2023

Tim Walton
Transdev

tim.walton@transdev.com.au

Dear Tim,

**RE: Harbourside Shopping Centre (SSD 38881729) Independent Environmental Audit 2
Request for Consultation with Transdev**

Ramboll Australia Pty Ltd (Ramboll) has been engaged by Mirvac Projects Pty Ltd to conduct a 2nd Independent Environmental Audit of the Harbourside Shopping Centre (Stage 2 Harbourside Bulk Excavation Works) at Darling Harbour, NSW, as required under SSD 38881729. The Audit Team is seeking to consult with Transdev, to obtain its input into the scope of the audit in accordance with Condition E51 of SSD 38881729 and the *Independent Audit Post Approval Requirements* (DPE, 2020).

Ramboll requests that you provide your requirements to Emily Rowe (erowe@ramboll.com; 0434 180 346) for the purpose of this consultation. We would greatly appreciate a prompt response.

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Please contact the undersigned if you have any queries.

Yours faithfully,
Ramboll Australia Pty Ltd



Emily Rowe (Lead Auditor)
Managing Consultant